

State of New Hampshire HOUSE RECORD

Second Year of the 162nd General Court
Calendar and Journal of the 2012 Session

Vol. 34

Concord, N. H.

Thursday, March 29, 2012

No. 32

HOUSE JOURNAL No. 15 (cont.)

Wednesday, March 28, 2012

Rep. Jasper moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 16

Thursday, March 29, 2012

The House assembled at 9:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Roger Boucher.

Keep us strong and wise today, Lord, that we may support our families, our communities and achieve objectively good policies. Help us to exercise our competence and call on the best of our experience so that our laws will encourage free, dutiful and responsible citizens that enrich the common good. Help us to persuade each other that the future for our children truly depends on the wise allocation of our precious heritage for we cannot look forward to posterity if we do not look backward to the wisdom of our ancestors. Keep us, O Lord, alert to the true and the good. Amen.

Representative Walter Kolodziej, member from Windham, led the Pledge of Allegiance.

Representative Mary Griffin, member from Windham, led the singing of the National Anthem.

LEAVES OF ABSENCE

Reps. Case, Champagne, Gagne, Gandia, Gargas, Hofemann, Jeudy, Palfrey, Andrew Schmidt, Scontsas and Tobin, the day, illness.

Reps. Bouchard, Kevin Brown, Cebrowski, DeJong, Dowling, Dwinell, James Garrity, Greazzo, Hinch, Infantine, Lefebvre, Lundgren, Brian Murphy, Oigny, Panek, Pantelakos,

Peckham, Pelletier, Amy Perkins, Reichard, Herbert Richardson, Jon Richardson, Rokas, Molly Smith, Suzanne Smith, Kevin Sullivan, Tamburello, Tatro, Waddell and Warden, the day, important business.

Reps. Daugherty, Hatch and Okerman, the day, illness in the family.

Rep. Ferrante, the day, death in the family.

CALL OF THE HOUSE

Speaker O'Brien ordered a Call of the House. A quorum was declared present and the Call was lifted.

LIMIT DEBATE

The Speaker noted that the previously adopted motion (March 28, 2012) to limit debate on the reports, bills, amendments and motions arising out of that House Calendar be limited to 20 minutes: 10 minutes each for proponents and opponents, 5 minutes for each speaker, will be applied to bills remaining from that Calendar during today's Session.

REGULAR CALENDAR (CONT'D)

HB 1652-FN-A, requiring the transfer of insurance premium tax revenue to the revenue stabilization reserve account. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for the Majority of Finance: Bond agencies set interest rates by formulas which look at a government's management, stability, and financial practices. High ratings result in lower interest rates, which save millions in borrowing costs. Revenue stabilization accounts are an important tool in cash management. These are usually referred to as "rainy day funds." During the FY 2012-2013 operating budget process, the rainy day Fund was estimated to be depleted to less than \$1 million to balance the FY 2011 budget. When we accepted ARRA funds and stimulus funds, one criteria was that none of these dollars could be put in the rainy day fund. With the commingling of most state general fund dollars, it would be difficult to argue that no stimulus funds were so used. Here was an opportunity, when clearly defined surplus funds were identified at the close of FY 2011 in the state's Comprehensive Annual Financial Report (CAFR) in the amount of \$17.7 Million. In one action, we could deposit an amount equal to the unanticipated FY 2011 surplus into the rainy day fund, by transferring said amount from FY 2012 insurance premium tax revenue (a revenue source unrelated to stimulus funds and deposited entirely into the state general fund). Since we are transferring FY 2012 revenue, we cannot be accused of depositing FY 2011 stimulus funds into the rainy day fund, and will send a message to bond agencies that we are working toward raising our rainy day fund balance to our goal of \$125 million, which represents approximately 5% of state general fund expenditures. Vote 20-6.

Rep. Robert A. Foose for the Minority of Finance: The minority is very concerned about a decision to place resources in the rainy day fund when the financial condition of the state is still uncertain. The committee heard questions from members of the majority that suggested that there is concern that future actions could create additional pressure on the budget. Further, in view of the fact that the first year of the biennial budget was not balanced at the time that it was approved in June 2012, the minority suggests that there is strong evidence that it is too early in the biennial process to add to the revenue stabilization fund.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Leishman offered floor amendment (1438h).

Floor Amendment (1438h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring the transfer of insurance premium tax revenue to the department of health and human services and the revenue stabilization reserve account.

Amend the bill by replacing section 1 with the following:

1 Transfer of Insurance Premium Tax Revenue to Department of Health and Human Services and Revenue Stabilization Reserve Account. Notwithstanding the provisions of RSA 9:13-e and RSA 400-A:32, on April 1, 2012, the state treasurer shall transfer revenue received from the insurance premium tax pursuant to RSA 400-A:32 in an amount equal to any surplus for the fiscal year ending June 30, 2011, as determined by the official audit performed pursuant to RSA 21-I:8, II(a), as follows:

I. \$1,500,000 shall be transferred to the department of health and human services for the purpose of providing services to the developmentally disabled.

II. The remainder shall be transferred to the revenue stabilization reserve account, established under RSA 9:13-e.

AMENDED ANALYSIS

This bill requires the transfer of insurance premium tax revenue in an amount equal to the amount of the surplus for fiscal year 2011 to the department of health and human services and the revenue stabilization reserve account.

Reps. Daler and Vaillancourt spoke in favor.

Rep. Charles MacMahon spoke in favor and yielded to questions.

Rep. Weyler spoke against.

The Chair requested a quorum call; a quorum was declared present.

Rep. Leishman requested a roll call; sufficiently seconded.

YEAS 144 NAYS 126

YEAS 144

BELKNAP

Accornero, Harry
Millham, Alida
Tilton, Franklin

Bolster, Peter
Pilliod, James

Fields, Dennis
Russell, David

Flanders, Donald
St. Cyr, Jeffrey

CARROLL

Babson, David Jr

McCarthy, Frank

Schmidt, Stephen

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris
Weed, Charles

Chase, Cynthia
Meader, David
Sad, Tara

Emerson, Susan
Moore, Robert Jr
Sterling, Franklin Jr

Hawkes, Samuel
Parkhurst, Henry
Weber, Lucy

COOS

Remick, William

Theberge, Robert

Thomas, Yvonne

Tremblay, Marc

GRAFTON

Aguiar, James
Bulis, Lyle
Ingbretson, Paul
Pastor, Beatriz

Almy, Susan
Cooney, Mary
Ladd, Rick Jr
Pierce, David

Benn, Bernard
Gould, Franklin
Mirski, Paul
Townsend, Charles

Bradley, Lester
Harding, Laurie
Nordgren, Sharon

HILLSBOROUGH

Balboni, Michael
Christensen, D.L.
Chris
Doherty, Shaun
Gimas, John
Hogan, Edith
Leishman, Peter
Messier, Irene
Proulx, Mark
Soucy, Connie
Thomas, Joseph

Barry, J. Gail
Coffey, James

Donovan, Daniel
Goley, Jeffrey
Hutchinson, Winfred
Long, Patrick
Palmer, Barry
Reed, Michael
Sullivan, Daniel
Ulery, Jordan

Bergevin, Jerry
Cote, David

Drisko, Richard
Graham, John
Krasucki, Joseph
Marcus, Bruce
Parison, James
Rosenwald, Cindy
Sullivan, Peter
Vaillancourt, Steve

Campbell, David
Daler, Jennifer

Flanagan, Jack
Hardwick, Harry
LeBrun, Donald
McGuinness, Sean
Porter, Marjorie
Shaw, Barbara
Terrio, Ross

MERRIMACK

Cohn, Seth
Frazer, June
Kotowski, Frank
Owen, Derek
Shurtleff, Stephen

Deloge, Helen
Gile, Mary
Lauer-Rago, Kathleen
Patten, Dick
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Rice, Chip

Foose, Robert
Kidder, David
MacKay, James
Richardson, Gary

ROCKINGHAM

Antosz, Jason
Cali-Pitts, Jacqueline
Elliott, Robert
Lovejoy, Patricia
Norelli, Terie
Schlachman, Donna

Bates, David
Copeland, Timothy
Griffin, Mary
McKinney, Betsy
Quandt, Matt
Serlin, Christopher

Belanger, Ronald
DeSimone, Debra
Hagan, Joseph
McMahon, Charles
Read, Robin Jr
Smith, William

Birdsell, Regina
DiPentima, Rich
Kolodziej, Walter
Moody, Marcia
Sapareto, Frank

STRAFFORD

Brown, Julie
Hooper, Dorothea
Larsen Schultz,
Kirsten
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Munck, Philip

Ginsburg, Philip
Kaen, Naida
Perry, Robert

Grassie, Anne
Keans, Sandra
Roberts, Jenna

Wall, Janet

Watters, David

SULLIVAN

Cloutier, John
Smith, Steven

Gagnon, Raymond

Laware, Thomas

Lovett, Charlene

NAYS 126

BELKNAP

Comtois, Guy
Malone, Robert

Greemore, Robert
Swinford, Elaine

Kingsbury, Robert

Luther, Robert

CARROLL

Chandler, Gene
Pettengill, Laurie

Fleck, Joseph
Scala, Dino

Morrow, Harry
Tregenza, Norman

Patten, Betsey
Umberger, Karen

CHESHIRE

Cartwright, Anne

Hunt, John

Smith, Edwin

COOS

Rappaport, Laurence

GRAFTON

Gionet, Edmond

Simard, Paul

Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Belvin, William
Buxton, Michael

Ball, J. Michael
Boehm, Ralph
Christiansen, Lars

Barry, Richard
Brownrigg, Randall Jr
Cusson-Cail,
Kathleen

Belanger, James
Burt, John
Daniels, Gary

Erickson, Duane
Holden, Frank
McClarren, Donald
Ober, Russell III
Peterson, Lenette
Rowe, Robert
Souza, Kathleen
Whitehead, Randall

Haefner, Robert
Jasper, Shawn
Murphy, Keith
Ohm, Bill
Pratt, Calvin
Seidel, Carl
Stepanek, Stephen
Willette, Robert

Hansen, Peter
Kurk, Neal
Notter, Jeanine
Palmer, Stephen
Renzullo, Andrew
Silva, Peter
Twombly, Timothy

Hawkins, Kenneth
Maltz, Jonathan
Ober, Lynne
Pellegrino, Tony
Robbins, David
Simmons, Tammy
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Lindsley, Mark
Palfrey, David
Smith, Todd

Coffey, Jennifer
Hoell, J.R.
McDonnell, John
Reed, Dennis
Winter, Steven

Giuda, J. Brandon
Keane, Thomas
McGuire, Carol
Sanborn, Laurie

Hess, David
Kreis, Kenneth Sr
McGuire, Dan
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Brown, Paul
Devine, James
Hoelzel, Kathleen
O'Connor, John
Sanders, Elisabeth
Sullivan, James
Ward, Joanne

Allen, Mary
Charron, Gene
Duarte, Joe
Kappler, Lawrence
Reagan, John
Sedensky, John
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Comerford, Timothy
Fesh, Robert
Major, Norman
Rice, Frederick
Sheffert, Kenneth
Tremblay, Stella
Welch, David

Bettencourt, David
Davenport, Joshua
Garcia, Marilinda
Mauro, Donna
Ritter, Glenn
Shuler, Wyman III
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

DeLemus, Susan
O'Connor, William
Vita, Lucien

Groen, Warren
Parsons, Robbie

Jones, Laura
Pitre, Joseph

Newton, Clifford
Vita, Carol

SULLIVAN

Cunningham, Steven
and floor amendment (1438h) was adopted.

LaCasse, Paul Sr

Osgood, Joe

Rodeschin, Beverly

Reps. Fredette and Itse declared a conflict of interest and did not participate.

The question now being adoption of the motion of Ought to Pass with Amendment.

Rep. Foose spoke against and yielded to questions.

Rep. Weyler spoke in favor and yielded to questions.

Rep. Vaillancourt spoke in favor.

Rep. Burt requested a roll call; sufficiently seconded.

YEAS 267 NAYS 12

YEAS 267

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Luther, Robert
Malone, Robert	Millham, Alida	Pilliod, James	Russell, David
St. Cyr, Jeffrey	Swinford, Elaine	Tilton, Franklin	

CARROLL

Babson, David Jr	Chandler, Gene	Fleck, Joseph	Knox, J. David
McCarthy, Frank	Merrow, Harry	Patten, Betsey	Pettengill, Laurie
Schmidt, Stephen	Tregenza, Norman	Umberger, Karen	

CHESHIRE

Butynski, William	Cartwright, Anne	Chase, Cynthia	Emerson, Susan
Hawkes, Samuel	Hunt, John	Johnson, Jane	Meador, David
Moore, Charles	Moore, Robert Jr	Parkhurst, Henry	Roberts, Kris
Sad, Tara	Smith, Edwin	Sterling, Franklin Jr	Weed, Charles

COOS

Rappaport, Laurence	Remick, William	Theberge, Robert	Thomas, Yvonne
Tremblay, Marc			

GRAFTON

Bradley, Lester	Bulis, Lyle	Cooney, Mary	Gionet, Edmond
Harding, Laurie	Ingretson, Paul	Ladd, Rick Jr	Mirski, Paul
Pastor, Beatriz	Pierce, David	Simard, Paul	Sorg, Gregory
Sova, Charles	Taylor, Kathleen	Townsend, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Baroody, Benjamin
Barry, J. Gail	Barry, Richard	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Christensen, D.L.	Christiansen, Lars	Coffey, James	Cote, David
Chris			
Cusson-Cail, Kathleen	Daler, Jennifer	Daniels, Gary	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Flanagan, Jack	Gidge, Kenneth
Gimas, John	Goley, Jeffrey	Graham, John	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hogan, Edith	Holden, Frank	Hutchinson, Winfred	Jasper, Shawn
Krasucki, Joseph	Kurk, Neal	Lambert, George	LeBrun, Donald
Leishman, Peter	Long, Patrick	Maltz, Jonathan	Marcus, Bruce
McCarthy, Michael	McClarren, Donald	McGuinness, Sean	Messier, Irene
Murphy, Keith	Notter, Jeanine	Ober, Lynne	Ober, Russell III
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pellegrino, Tony	Peterson, Lenette	Porter, Marjorie	Pratt, Calvin
Proulx, Mark	Reed, Michael	Renzullo, Andrew	Robbins, David
Rowe, Robert	Seidel, Carl	Shaw, Barbara	Silva, Peter
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	Stepanek, Stephen

Sullivan, Daniel
Twombly, Timothy
Whitehead, Randall

Sullivan, Peter
Ulery, Jordan
Willette, Robert

Terrio, Ross
Vaillancourt, Steve

Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
DeStefano, Stephen
Hamm, Christine
Keane, Thomas
Lauer-Rago, Kathleen
McDonnell, John
Patten, Dick
Sanborn, Laurie
Winter, Steven

Coffey, Jennifer
Frazer, June
Hess, David
Kidder, David
Lindsley, Mark
McGuire, Carol
Reed, Dennis
Seaworth, G. Brian

Cohn, Seth
Gile, Mary
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
McGuire, Dan
Rice, Chip
Smith, Todd

Deloge, Helen
Giuda, J. Brandon
Hoell, J.R.
Kreis, Kenneth Sr
MacKay, James
Palfrey, David
Richardson, Gary
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Copeland, Timothy
DiPentima, Rich
Griffin, Mary
Katsakiores, Phyllis
Manuse, Andrew
Moody, Marcia
Quandt, Matt
Ritter, Glenn
Sedensky, John
Smith, William
Tremblay, Stella
Welch, David

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Hagan, Joseph
Kolodziej, Walter
Mauro, Donna
Norelli, Terie
Read, Robin Jr
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

Antosz, Jason
Belanger, Ronald
Cali-Pitts, Jacqueline
DeSimone, Debra
Fesh, Robert
Hoelzel, Kathleen
Lovejoy, Patricia
McKinney, Betsy
O'Connor, John
Reagan, John
Sapareto, Frank
Sheffert, Kenneth
Sytek, John
Ward, Joanne

Azarian, Gary
Bettencourt, David
Charron, Gene
Devine, James
Garcia, Marilinda
Kappler, Lawrence
Major, Norman
McMahon, Charles
Quandt, Marshall
Rice, Frederick
Schlachman, Donna
Shuler, Wyman III
Tasker, Kyle
Webb, James

STRAFFORD

Brown, Julie
Groen, Warren
Keans, Sandra

O'Connor, William
Roberts, Jenna
Vita, Lucien

Browne, Brendon
Hooper, Dorothea
Larsen Schultz,
Kirsten
Parsons, Robbie
Spainhower, Dale
Wall, Janet

DeLemus, Susan
Horrigan, Timothy
Munck, Philip

Perry, Robert
Spang, Judith
Watters, David

Grassie, Anne
Jones, Laura
Newton, Clifford

Pitre, Joseph
Vita, Carol

SULLIVAN

Cloutier, John
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

NAYS 12

BELKNAP

None

CARROLL

None

CHESHIRE

Lindsey, Steven

Weber, Lucy

COOS

None

GRAFTON

Aguiar, James

Almy, Susan

Benn, Bernard

Gould, Franklin

HILLSBOROUGH

Erickson, Duane

MERRIMACK

Foose, Robert

Owen, Derek

Shurtleff, Stephen

ROCKINGHAM

None

STRAFFORD

Ginsburg, Philip

Kaen, Naida

SULLIVAN

None

and the majority committee report was adopted and ordered to third reading.
Reps. Fredette and Itse declared a conflict of interest and did not participate.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby, on a roll call vote of 267-12, it adopted the motion of Ought to Pass with Amendment on ***HB 1652-FN-A***, requiring the transfer of insurance premium tax revenue to the department of health and human services and the revenue stabilization reserve account. Rep. Vaillancourt spoke against.
Motion failed.

REGULAR CALENDAR (CONT'D)

HB 1692-FN, making changes to the administration of the university system of New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William B. Smith for the Majority of Finance: The majority was not convinced that the original bill, which eliminated the office of chancellor of the university system of New Hampshire, would achieve its intended cost reductions without financial harm. The bill was amended to require a reduction of \$2.4 million/year from university administration, and assigned these funds to reducing the cost of in-state student tuition, starting with the 2014 academic year. It also requires an annual trustee report on efforts to reduce costs of the university system office, as well as on progress on a number of specific areas to improve efficiency and effectiveness of state universities and colleges in preparing New Hampshire residents for employment at all levels and fields. Vote 14-10.

Rep. Timothy L. Twombly for the Minority of Finance: The minority believes that the adopted amendment significantly improves the original bill by maintaining the chancellor office. However we disagree with the majority that an additional \$2.4 million dollar cut to their budget is warranted at this time, even with the intent that this savings go toward lowering tuition costs. The last budget cut the university system appropriation by almost 50% (\$48 million). No other state agency endured such a budget cut. The administration is currently making excellent progress in improved efficiency. This is not the time to cut the university budget further or to micro-manage their work.

Majority Amendment (1365h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the administration of the university system of New Hampshire.

Amend the bill by replacing all after the enacting clause with the following:

1 Division of Higher Education. Amend RSA 21-N:8-a, II(a)(1) to read as follows:

(1) The president of the university of New Hampshire; the president of Keene state college; the president of Plymouth state university; the chancellor of the university system of New Hampshire; ***the president of Granite state college***; a president of one of the institutions of the community college system of New Hampshire, to be chosen by the board of trustees of the community college system.

2 University System of New Hampshire; Reduction of Administrative Expenses. The university system office shall prepare a plan to reduce total annual administrative expenses of the university system of New Hampshire by \$2,400,000 to be implemented by June 30, 2013 and shall make such amount available for the reduction of in-state student tuition by June 30, 2013 for the 2013-2014 academic year.

3 The University System of New Hampshire. Amend RSA 187-A:1 to read as follows:

187-A:1 The University System of New Hampshire. The university system of New Hampshire is established and made a body politic and corporate, the main purpose of which shall be to provide a well coordinated system of public higher education offering liberal undergraduate education encompassing the major branches of learning, emphasizing our cultural heritage, and cultivating the skills of reasoning and communication. ***The state universities and colleges shall provide education at an affordable cost to New Hampshire residents to prepare them for success at all levels and fields of employment in the state.*** The university system shall provide for professional and technical 2-year, 4-year, and graduate programs which serve the needs of the state and the nation; for research which contributes to the welfare of mankind, to the development of the faculty, and to the educational experience of students; and for its faculty and staff to bring educational resources and professional experience to the benefit of the state and its people. The university system of New Hampshire is authorized to grant and confer in the name of the university system of New Hampshire all such degrees, literary titles, honors, and distinctions as other universities may of right do.

4 Purpose. The general court finds that enhanced accountability and transparency of the university system office will help the university system to accomplish its primary mission as established in RSA 187-A:1 and will improve the knowledge of the members of the general court and citizens of New Hampshire about the university system office. To that end this legislation requires the university system board of trustees to file with various legislative and executive branch officials an annual report providing information on controlling costs and prices while sustaining and improving quality and student success and the operation of the university system office, and to make that report available to the public along with various other annual reports and related information.

5 New Paragraph; Legislative Oversight. Amend RSA 187-A:2-b by inserting after paragraph II the following new paragraph:

III.(a) By January 31 of each year, the board of trustees of the university system of New Hampshire shall submit an annual accountability and transparency report on the

university system office to the chairpersons of the house and senate finance and education committees, the chairpersons of the public higher education study committee, the speaker of the house of representatives, the senate president, the governor and council, the house clerk, the senate clerk, and the state library. The report shall include a description of the results from efforts to control costs and prices while sustaining and improving the quality of programs and services and student success in earning degrees. The report shall include the following information about the university system office: highlights for the previous fiscal year; major initiatives completed in the past year; breakdown of the prior fiscal year budget; number of employees; responsibilities; organizational chart; and goals for the upcoming fiscal year.

(b) The accountability and transparency report shall also contain reports on progress in achieving the university system's goals including:

- (1) Reduction of total administrative expenses.
- (2) Reduction of tuition costs for New Hampshire residents.
- (3) Increase of time that tenured faculty spend in classroom instruction.
- (4) Reduction of salary and benefit costs to achieve lower costs while meeting

academic goals.

- (5) Improvement of student ratings of professors' effectiveness.
- (6) Achievement of on-time graduation rates.
- (7) Focus of effort on programs that enhance student employability.
- (8) Application of technology to improve effectiveness of learning process.

(c) The university system board of trustees shall make the annual accountability and transparency report available to the public by posting it in a conspicuous location on the university system website, along with copies of the reports filed by the university system under RSA 187-A:16, RSA 187-A:22, and RSA 187-A:25-a, minutes from the meetings of the board of trustees, and such other reports and information as the board of trustees determine would enhance the accountability and transparency of the university system office.

6 Report on Board Autonomy Efforts. In addition to the annual accountability report required by RSA 187-A:2-b, III, the university system board of trustees shall submit a report by November 30, 2012 to the house and senate education committees and the house and senate finance committees on the status of the work of the board of trustees to modify current board policies and procedures to enhance the ability of the 4 component institutions of the university system to operate with the highest measure of autonomy and self-governance to achieve their respective unique educational missions while continuing to operate as a well coordinated system of public higher education, subject to the supervision of the board of trustees. This report shall include information regarding the estimated fiscal impact of such work.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Requires the university system of New Hampshire to reduce administrative expenses by June 30, 2013.

II. Requires the university system of New Hampshire to file an annual accountability and transparency report and a report on autonomy efforts.

Rep. Sova spoke against.

Rep. Boehm spoke against and yielded to questions.

The Speaker requested a quorum call; quorum was declared present.

Rep. William Smith spoke in favor and requested a roll call; sufficiently seconded.

YEAS 98 NAYS 190

YEAS 98

BELKNAP

Bolster, Peter	Millham, Alida	Pilliod, James	St. Cyr, Jeffrey
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CARROLL

Knox, J. David	Schmidt, Stephen	Tregenza, Norman	Umberger, Karen
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CHESHIRE

Butynski, William	Chase, Cynthia	Emerson, Susan	Hawkes, Samuel
Johnsen, Gladys	Johnson, Jane	Lerandeau, Alfred	Lindsey, Steven
Meadar, David	Parkhurst, Henry	Roberts, Kris	Sad, Tara
Sterling, Franklin Jr	Weber, Lucy	Weed, Charles	

COOS

Coulombe, Gary	Rappaport, Laurence	Remick, William	Theberge, Robert
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GRAFTON

Almy, Susan	Cooney, Mary	Gould, Franklin	Harding, Laurie
Ladd, Rick Jr	Pastor, Beatriz	Pierce, David	Sorg, Gregory
Taylor, Kathleen	Townsend, Charles	White, Andrew	

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Barry, Richard	Belvin, William
Christensen, D.L.	Daler, Jennifer	Goley, Jeffrey	Gonzalez, Carlos
Chris			
Gorman, Mary	Graham, John	Kurk, Neal	Leishman, Peter
Ober, Lynne	Ober, Russell III	Porter, Marjorie	Proulx, Mark
Sullivan, Daniel	Sullivan, Peter	Terrio, Ross	Twombly, Timothy
Villeneuve, Moe			

MERRIMACK

Deloge, Helen	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Kidder, David	Lockwood, Priscilla
MacKay, James	McDonnell, John	McGuire, Dan	Owen, Derek
Patten, Dick	Shurtleff, Stephen	Watrous, Rick	

ROCKINGHAM

Azarian, Gary	Birdsell, Regina	Cali-Pitts, Jacqueline	Elliott, Robert
Lovejoy, Patricia	Moody, Marcia	Quandt, Matt	Read, Robin Jr
Schlachman, Donna	Serlin, Christopher	Smith, William	Sullivan, James

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Hooper, Dorothea	Schmidt, Peter	Spang, Judith	Wall, Janet
Watters, David			

SULLIVAN

Cloutier, John	Lovett, Charlene	Rodeschin, Beverly
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BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David

Comtois, Guy
Kingsbury, Robert
Swinford, Elaine

Fields, Dennis
Luther, Robert
Tilton, Franklin

Flanders, Donald
Malone, Robert

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark

Chandler, Gene
Morrow, Harry

Fleck, Joseph
Patten, Betsey

CHESHIRE

Cartwright, Anne
Smith, Edwin

Hunt, John

Moore, Charles

Moore, Robert Jr

COOS

Thomas, Yvonne

Tremblay, Marc

GRAFTON

Benn, Bernard
Mirski, Paul

Bradley, Lester
Nordgren, Sharon

Gionet, Edmond
Simard, Paul

Ingbretson, Paul
Sova, Charles

HILLSBOROUGH

Avard, Kevin
Boehm, Ralph
Christiansen, Lars

Balboni, Michael
Brownrigg, Randall Jr
Coffey, James

Ball, J. Michael
Burt, John
Cote, David

Bergevin, Jerry
Buxton, Michael
Cusson-Cail,
Kathleen
Erickson, Duane
Gimas, John
Hawkins, Kenneth
Hutchinson, Winfred
LeBrun, Donald
McClarren, Donald
Notter, Jeanine
Parison, James
Pratt, Calvin
Rowe, Robert
Simmons, Tammy
Thomas, Joseph
Willette, Robert

Daniels, Gary
Flanagan, Jack
Haefner, Robert
Hikel, John
Jasper, Shawn
Long, Patrick
McGuinness, Sean
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Seidel, Carl
Soucy, Connie
Ulery, Jordan

Doherty, Shaun
Fredette, Robert
Hansen, Peter
Hogan, Edith
Krasucki, Joseph
Maltz, Jonathan
Messier, Irene
Palmer, Barry
Pepino, Leo
Renzullo, Andrew
Shaw, Barbara
Souza, Kathleen
Vaillancourt, Steve

Donovan, Daniel
Gidge, Kenneth
Hardwick, Harry
Holden, Frank
Lambert, George
McCarthy, Michael
Murphy, Keith
Palmer, Stephen
Peterson, Lenette
Rosenwald, Cindy
Silva, Peter
Stepanek, Stephen
Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
Keane, Thomas
Lindsley, Mark
Rice, Chip
Smith, Todd

Giuda, J. Brandon
Kotowski, Frank
McGuire, Carol
Richardson, Gary
Soltani, Tony

Hess, David
Kreis, Kenneth Sr
Palfrey, David
Sanborn, Laurie
Winter, Steven

Hoell, J.R.
Lauer-Rago, Kathleen
Reed, Dennis
Seaworth, G. Brian

ROCKINGHAM

Abrami, Patrick
Bates, David
Charron, Gene

Allen, Mary
Belanger, Ronald
Copeland, Timothy

Antosz, Jason
Bettencourt, David
Davenport, Joshua

Baldasaro, Alfred
Brown, Paul
DeSimone, Debra

Devine, James
Griffin, Mary
Kappler, Lawrence
Manuse, Andrew
Norelli, Terie
Rice, Frederick
Sedensky, John
Tasker, Kyle
Webb, James

DiPentima, Rich
Hagan, Joseph
Katsakiores, Phyllis
Mauro, Donna
O'Connor, John
Ritter, Glenn
Sheffert, Kenneth
Tremblay, Stella
Welch, David

Fesh, Robert
Hoelzel, Kathleen
Kolodziej, Walter
McKinney, Betsy
Quandt, Marshall
Sanders, Elisabeth
Shuler, Wyman III
Tucker, Pamela
Weyler, Kenneth

Garcia, Marilinda
Itse, Daniel
Major, Norman
McMahon, Charles
Reagan, John
Sapareto, Frank
Sytek, John
Ward, Joanne

STRAFFORD

Berube, Roger
Horrigan, Timothy
Larsen Schultz,
Kirsten
Parsons, Robbie
Spainhower, Dale

Cataldo, Sam
Jones, Laura
Munck, Philip

Perry, Robert
Vita, Carol

DeLemus, Susan
Kaen, Naida
Newton, Clifford

Pitre, Joseph
Vita, Lucien

Groen, Warren
Keans, Sandra
O'Connor, William

Roberts, Jenna

SULLIVAN

Bowers, Spec
Osgood, Joe
and the majority committee amendment failed.

Cunningham, Steven
Smith, Steven

LaCasse, Paul Sr

Laware, Thomas

The question now being adoption of the motion of Ought to Pass.

Rep. Foose spoke against.

Rep. Parsons spoke in favor and requested a roll call; sufficiently seconded.

YEAS 199 NAYS 95

YEAS 199

BELKNAP

Accornero, Harry
Greemore, Robert
Pilliod, James

Comtois, Guy
Kingsbury, Robert
Russell, David

Fields, Dennis
Luther, Robert
Swinford, Elaine

Flanders, Donald
Malone, Robert
Tilton, Franklin

CARROLL

Ahlgren, Christopher
McConkey, Mark
Schmidt, Stephen

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey

McCarthy, Frank
Pettengill, Laurie

CHESHIRE

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane

COOS

Rappaport, Laurence

Thomas, Yvonne

Tremblay, Marc

GRAFTON

Bradley, Lester
Simard, Paul

Gionet, Edmond
Sorg, Gregory

Ingbertson, Paul
Sova, Charles

Mirski, Paul

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Bergevin, Jerry	Boehm, Ralph
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Christensen, D.L. Chris
Christiansen, Lars	Coffey, James	Cusson-Cail, Kathleen	Daniels, Gary
Doherty, Shaun	Donovan, Daniel	Drisko, Richard	Erickson, Duane
Flanagan, Jack	Fredette, Robert	Gimas, John	Gonzalez, Carlos
Graham, John	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hawkins, Kenneth	Hikel, John	Hogan, Edith	Holden, Frank
Hopper, Gary	Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph
Lambert, George	LeBrun, Donald	Maltz, Jonathan	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Pellegrino, Tony	Pepino, Leo	Peterson, Lenette	Reed, Michael
Renzullo, Andrew	Rowe, Robert	Seidel, Carl	Silva, Peter
Simmons, Tammy	Soucy, Connie	Souza, Kathleen	Stepanek, Stephen
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Cohn, Seth	Giuda, J. Brandon	Hess, David
Hoell, J.R.	Keane, Thomas	Kotowski, Frank	Kreis, Kenneth Sr
Lauer-Rago, Kathleen	Lindsley, Mark	Lockwood, Priscilla	McDonnell, John
McGuire, Carol	McGuire, Dan	Palfrey, David	Reed, Dennis
Sanborn, Laurie	Seaworth, G. Brian	Smith, Todd	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Bates, David	Belanger, Ronald	Bettencourt, David	Birdsell, Regina
Brown, Paul	Charron, Gene	Comerford, Timothy	Davenport, Joshua
DeSimone, Debra	Devine, James	Duarte, Joe	Elliott, Robert
Fesh, Robert	Garcia, Marilinda	Griffin, Mary	Hagan, Joseph
Hoelzel, Kathleen	Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis
Kolodziej, Walter	Major, Norman	Manuse, Andrew	Mauro, Donna
McKinney, Betsy	McMahon, Charles	O'Connor, John	Perkins, Lawrence
Quandt, Marshall	Reagan, John	Rice, Frederick	Ritter, Glenn
Sanders, Elisabeth	Sapareto, Frank	Sedensky, John	Sheffert, Kenneth
Shuler, Wyman III	Smith, William	Sytek, John	Tasker, Kyle
Tremblay, Stella	Tucker, Pamela	Ward, Joanne	Webb, James
Welch, David	Weyler, Kenneth		

STRAFFORD

Berube, Roger	Cataldo, Sam	DeLemus, Susan	Ginsburg, Philip
Groen, Warren	Jones, Laura	Larsen Schultz, Kirsten	Munck, Philip
Newton, Clifford	O'Connor, William	Parsons, Robbie	Pitre, Joseph
Spang, Judith	Vita, Carol	Vita, Lucien	

SULLIVAN

Bowers, Spec	Cunningham, Steven	LaCasse, Paul Sr	Laware, Thomas
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Osgood, Joe Rodeschin, Beverly Smith, Steven

NAYS 95

BELKNAP

Bolster, Peter Millham, Alida St. Cyr, Jeffrey

CARROLL

Babson, David Jr Knox, J. David Umberger, Karen

CHESHIRE

Butynski, William	Chase, Cynthia	Hawkes, Samuel	Johnsen, Gladys
Lerandeau, Alfred	Lindsey, Steven	Meador, David	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Sterling, Franklin Jr	Weber, Lucy
Weed, Charles			

COOS

Coulombe, Gary Remick, William Theberge, Robert

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Gould, Franklin
Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Taylor, Kathleen	Townsend, Charles	White, Andrew

HILLSBOROUGH

Baroody, Benjamin	Belvin, William	Cote, David	Daler, Jennifer
Gidge, Kenneth	Goley, Jeffrey	Gorman, Mary	Kurk, Neal
Leishman, Peter	Long, Patrick	Messier, Irene	Ober, Lynne
Ober, Russell III	Porter, Marjorie	Proulx, Mark	Rosenwald, Cindy
Shaw, Barbara	Sullivan, Daniel	Sullivan, Peter	Terrio, Ross

MERRIMACK

Deloge, Helen	DeStefano, Stephen	Foose, Robert	Frazer, June
Gile, Mary	Hamm, Christine	Kidder, David	MacKay, James
Owen, Derek	Patten, Dick	Rice, Chip	Richardson, Gary
Shurtleff, Stephen	Watrous, Rick	Williams, Robert	

ROCKINGHAM

Cali-Pitts, Jacqueline	Copeland, Timothy	DiPentima, Rich	Janvrin, Kevin
Lovejoy, Patricia	Moody, Marcia	Norelli, Terie	Quandt, Matt
Read, Robin Jr	Schlachman, Donna	Serlin, Christopher	Sullivan, James

STRAFFORD

Brown, Julie	Browne, Brendon	Grassie, Anne	Hooper, Dorothea
Horriggan, Timothy	Keans, Sandra	Perry, Robert	Roberts, Jenna
Schmidt, Peter	Spainhower, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John Lovett, Charlene

and the motion of Ought to Pass was adopted and ordered to third reading.

SPECIAL ORDERED

Without objection, the Speaker made **HB 1260-FN**, relative to poker games and charitable gaming, a Special Order as the next order of business.

SPECIAL ORDER

HB 1260-FN, relative to poker games and charitable gaming. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Hawkins for Executive Departments and Administration: The original bill would have removed the \$150 limit allowed for poker games and would allow unlimited betting at charitable games. The committee felt if we were going to do that, it should not be under charitable games, but under a casino bill. The committee amended the bill with three separate sections. The 1st section would allow horse racing and simulcast betting at a new facility in Cheshire County. The 2nd section updated what game operators could charge charities for reports required by the charitable gaming commission. The 3rd section outlaws a new attempt to bypass our gambling laws. Companies are advertising on TV and newspapers a place of business where you can play slot machines that award sweepstake prizes. This amendment would make these illegal. The 4th section, from the original bill, allows you have a poker game for money in your home. Under current law you could be fined and go to jail for hosting a poker game in your home. Vote 10-0.

Amendment (1357h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to certain contributions to pari-mutuel pools by race simulcasters in Cheshire county, compensation of charitable organizations by gaming operators, and unauthorized gambling machines and sweepstakes.

Amend the bill by replacing all after the enacting clause with the following:

1 Cheshire County; Simulcast Pari-Mutuel Contributions. Amend RSA 284:23, I-III to read as follows:

I.(a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of the total contributions to all pari-mutuel pools conducted, made, or sold at any such race or meet licensed under this chapter. The amounts so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to simulcast a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to 1 1/4 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such simulcast race or simulcast race meet by such person, association, or corporation licensed to simulcast such races. The amount so paid to the state treasurer shall be for the use of the state.

(c) Any amounts so paid to the state treasurer by any person, association, or corporation licensed to simulcast a running horse race or running horse meet under this chapter collected in Cheshire county shall be held in escrow for a period of not more than 36 months by the state treasurer. If any person, association, or corporation licensed under this chapter has commenced to hold a live race meet within the 36-month period the escrowed amounts shall be paid to the racing and charitable gaming commission to offset any expenses incurred for the services required to hold such meet. If there is no live race meet within the 36-month period all sums so escrowed shall be for the use of the state.

II.(a) Each person, association, or corporation licensed to conduct a harness horse race or harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of all total contributions to all pari-mutuel pools in a calendar day. The amount so paid to the state treasurer shall be for the use of the state.

(b) Each person, association, or corporation licensed to simulcast a harness horse race or simulcast a harness horse race meet under this chapter shall pay to the state treasurer a sum of money equal to 1 1/4 percent of the total contributions to all such pari-mutuel pools conducted, made, or sold at such simulcast race or race meet by such person, association, or corporation licensed to simulcast such races. The amount so paid to the state treasurer shall be for the use of the state.

(c) Any amounts so paid to the state treasurer by any person, association, or corporation licensed to simulcast a harness horse race or harness horse race meet under this chapter collected in Cheshire county shall be held in escrow for a period of not more than 36 months by the state treasurer. If any person, association, or corporation licensed under this chapter has commenced to hold a live race meet within the 36-month period the escrowed amounts shall be paid to the racing and charitable gaming commission to offset any expenses incurred for the services required to hold such meet. If there is no live race meet within the 36-month period all sums so escrowed shall be for the use of the state.

III.(a) [Repealed.]

(b) Each person, association or corporation licensed to simulcast a dog race or simulcast a dog race meet under this chapter shall pay to the state treasurer a sum of money equal to 1 1/2 percent of all pari-mutuel pools conducted, made, or sold at such simulcast race or simulcast race meet by such person, association, or corporation licensed under this chapter. The amount so paid to the state treasurer shall be for the use of the state.

(c) Any amounts so paid to the state treasurer by any person, association, or corporation licensed to simulcast a dog race or meet under this chapter collected in Cheshire county shall be held in escrow for a period of not more than 36 months by the state treasurer. If any person, association, or corporation licensed under this chapter has commenced to hold a live race meet within the 36-month period the escrowed amounts shall be paid to the racing and charitable gaming commission to offset any expenses incurred for the services required to hold such meet. If there is no live race meet within the 36-month period all sums so escrowed shall be for the use of the state.

2 New Subparagraph; Revocation; Simulcast Wagers. Amend RSA 284:22-a, II by inserting after subparagraph (c) the following new subparagraph:

(d) Notwithstanding subparagraph II(a), an individual, association, partnership, joint venture, corporation, or other organization or entity may be issued a license to conduct simulcasting without conducting live horse racing at a location in Cheshire county, provided such person or entity applies for, and is issued, a license to conduct live horse racing at such location in Cheshire county, complies with other provisions of this chapter with regard to application and issuance of such license, makes such election with the approval of the commission and such person or entity has submitted an economic development plan to the commission to conduct a live horse racing meet in Cheshire county within 36 months of the granting of a license. If no live horse racing is conducted within the 36-month period the license to receive simulcast wagers shall be revoked. The commission shall adopt regulations regarding the criteria of the proposed economic development plan prior to issuance of any approval.

3 New Paragraph; Operation of Games of Chance; Fees. Amend RSA 287-D:2-b by inserting after paragraph II-a the following new paragraph:

II-b. No operator shall require additional fees not specifically allowed under this chapter as a condition of contracting with the operator for game dates.

4 Wagering; Single Player. Amend RSA 287-D:3, V to read as follows:

V. No single wager by a player, on any game of chance, shall exceed the amount of ~~[\$4]~~ \$6.

5 Operation of Games of Chance; Fees. Amend RSA 287-D:3, VII to read as follows:

VII. Unless a charitable organization rents a facility from a game operator employer or a primary game operator licensed under RSA 287-D:2-c, the charitable organization shall only rent a facility by means of a fixed rental payment. The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use not just as a place to hold a game of chance. If a charitable organization rents a facility from a licensed game operator under RSA 287-D:2-c, the charitable organization shall retain no less than 35 percent of the gross revenues from any games of chance minus any prizes paid in accordance with RSA 287-D:3, VIII. Any rental agreement entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the racing and charitable gaming commission. Under no circumstances shall a charitable organization sustain any loss from games of chance, such that its share of the gross revenues minus any prizes paid is less than zero dollars, during a license period with a single game operator. ***All contracts between a game operator employer and a charitable organization to conduct games of chance under this chapter shall contain the following language: "This agreement represents the entire agreement between the parties hereto. No charge or fee of any kind that is not contained in this agreement shall be required to be paid by the charity."***

6 Operation of Games of Chance; Fees. Amend RSA 287-D:3, VIII to read as follows:

VIII. The charitable organization shall retain no less than 35 percent of the gross revenues from any game of chance minus any prizes paid on any game date in which game operators licensed under RSA 287-D:2-c are involved in any capacity. Such revenues shall be used by the organization to advance its charitable purpose. ***No fee for any service provided by the game operator employer or primary game operator shall be allowed unless such fee is agreed to in writing and disclosed to the commission as part of the agreement between the game operator employer or primary game operator and the charity.***

7 Financial Reports and Inspections. Amend RSA 287-D:5, I to read as follows:

I. ~~(a) A charitable organization[~~—a licensed game operator employer, or a primary game operator under contract to conduct games of chance on behalf of a charitable organization and designated by the charitable organization to be responsible for submitting financial reports~~] shall submit a complete financial report for all game dates licensed under RSA 287-D:2 and RSA 287-D:2-a to the racing and charitable gaming commission on forms approved by the racing and charitable gaming commission within 15 days of the end of each month during which a game of chance was held.~~

(b) A licensed game operator or a primary game operator under contract to conduct games of chance on behalf of a charitable organization shall submit the financial reports required under subparagraph (a). In such case the charitable organization shall not be required to submit such report.

8 Definitions; Gambling and Gambling Machines. Amend RSA 647:2, II(d)-(e) to read as follows:

(d) "Gambling" means to risk something of value upon a future contingent event not under one's control or influence, upon an agreement or understanding that something of value will be received in the event of a certain outcome, ***and includes the activity of conducting or playing sweepstakes or games of chance on a gambling machine.***

(e) "Gambling machine" means any device or equipment which is capable of being used to ***play sweepstakes or games of chance and*** which ~~[discharge]~~ ***discharges*** money, or anything that may be exchanged for money ***or cash equivalent or opportunities to enter sweepstakes or play games of chance,*** or ~~[to display]~~ ***displays*** any symbol entitling a person to receive money ***or cash equivalent or opportunities to enter sweepstakes or play games of chance.*** ***This definition shall apply to an electronic device or equipment whether or not:***

(1) It is server-based.

- (2) It uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.*
- (3) It utilizes software such that the simulated game influences or determines the winning or value of the prize.*
- (4) It selects prizes from a predetermined, finite pool of entries.*
- (5) It utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.*
- (6) It predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.*
- (7) It utilizes software to create a game result.*
- (8) It requires deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device.*
- (9) It requires direct payment into the electronic machine or device, or remote activation of the electronic machine or device.*
- (10) It requires purchase of a product.*
- (11) The product, if any, has legitimate value.*
- (12) It reveals the prize incrementally, even though it may not influence if a prize is awarded or the value of any prize awarded.*
- (13) It determines and associates the prize with an entry or entries at the time the sweepstakes is entered.*
- (14) It is a slot machine or other form of electrical, mechanical, or computer game.*

9 New Paragraph; Gambling; Promotional Sweepstakes. Amend RSA 647:2 by inserting after paragraph I-a the following new paragraph:

I-b. A person is guilty of a class B felony if a person knowingly and unlawfully promotes or conducts or offers a sweepstakes that is executed through the use of the visual display of an electronic machine. If the offense continues over consecutive days, the person shall be charged with a single continuing offense and notwithstanding RSA 651:2, IV, fined not less than \$1,000 for each day that the violation occurs.

10 New Subparagraphs; Definitions; Sweepstakes; Visual Display. Amend RSA 647:2, II by inserting after subparagraph (g) the following new subparagraphs:

(h) "Sweepstakes" means any game, advertising scheme or plan or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance.

(i) "Visual display" means any visual information, capable of being seen by a person entering a sweepstakes that takes the form of an actual game play, or simulated game play, such as video poker, or any other video game not dependent on skill or dexterity that is played while revealing a prize as the result of an entry into a sweepstakes.

11 New Subparagraph; Poker in Private Residences. Amend RSA 647:2, V by inserting after subparagraph (c) the following new subparagraph:

(d) Poker games held in a private residence so long as the house takes no rake or compensation from the prize pool. The house in a poker game held in a private residence may take a fee from the players for dealing.

12 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Requires the racing and charitable gaming commission to hold certain contributions to the pari-mutuel pools from race simulcasters in escrow in Cheshire county.

II. Prohibits game operators from charging charitable organizations certain fees.

III. Creates a felony and a violation for promotion or conduction of unauthorized sweepstakes with an unauthorized gambling machine.

IV. Allows the playing of poker in private residences.

Amendment adopted.

Committee report adopted and ordered to third reading.

REGULAR CALENDAR (CONT'D)

HB 1727-FN, to return certain insurance exchange moneys to the federal government.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Neal M. Kurk for the Majority of Finance: This bill requires the insurance commissioner to return, by not drawing down, the remaining \$333,000 of a \$1,000,000 federal government award to the state for planning a state health insurance exchange under the federal affordable care act (ACA). The other \$667,000 of the grant has already been refused by the state. The committee is concerned that acceptance of any part of the grant may bring with it obligations to participate in a program that would greatly increase state general fund expenditures. The committee would note that challenges to the constitutionality of the ACA are currently before the U.S. Supreme Court. For these reasons, the committee believes that the remainder of the grant should not be accepted. Vote 19-4.

Rep. Robert A. Foose for the Minority of Finance: The minority believes that it is imprudent to turn our back on the reality that the affordable care act creates an insurance exchange in each state. In support of the need for exchanges, the federal government has offered to fund the planning required to develop a New Hampshire exchange that would meet the unique needs of our state. Since the funding comes with no strings attached, it is hard to understand the majority's support of HB 1727.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Kurk spoke in favor.

Rep. Foose spoke against and requested a roll call; sufficiently seconded.

YEAS 218 NAYS 79

YEAS 218

BELKNAP

Accornero, Harry
Greemore, Robert
Millham, Alida
Swinford, Elaine

Bolster, Peter
Kingsbury, Robert
Pilliod, James
Tilton, Franklin

Comtois, Guy
Luther, Robert
Russell, David

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie
Umberger, Karen

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Schmidt, Stephen

Fleck, Joseph
Patten, Betsey
Tregenza, Norman

CHESHIRE

Cartwright, Anne
Moore, Charles

Emerson, Susan
Moore, Robert Jr

Hunt, John
Smith, Edwin

Johnson, Jane
Sterling, Franklin Jr

COOS

Rappaport, Laurence

Remick, William

Toll, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester

Bulis, Lyle

Gionet, Edmond

Ingbretson, Paul

Ladd, Rick Jr
Sova, Charles

Mirski, Paul

Simard, Paul

Sorg, Gregory

HILLSBOROUGH

Avard, Kevin
Barry, Richard
Boehm, Ralph
Christensen, D.L.
Chris
Daniels, Gary
Flanagan, Jack
Haefner, Robert
Hikel, John
Hutchinson, Winfred
Lambert, George
McClarren, Donald
Notter, Jeanine
Palmer, Barry
Peterson, Lenette
Renzullo, Andrew
Simmons, Tammy
Terrio, Ross
Vaillancourt, Steve

Balboni, Michael
Belanger, James
Brownrigg, Randall Jr
Christiansen, Lars
Donovan, Daniel
Fredette, Robert
Hansen, Peter
Hogan, Edith
Jasper, Shawn
LeBrun, Donald
McGuinness, Sean
Ober, Lynne
Palmer, Stephen
Pratt, Calvin
Rowe, Robert
Soucy, Connie
Thomas, Joseph
Villeneuve, Moe

Ball, J. Michael
Belvin, William
Burt, John
Coffey, James
Drisko, Richard
Gonzalez, Carlos
Hardwick, Harry
Holden, Frank
Krasucki, Joseph
Maltz, Jonathan
Messier, Irene
Ober, Russell III
Parison, James
Proulx, Mark
Seidel, Carl
Souza, Kathleen
Twombly, Timothy
Whitehead, Randall

Barry, J. Gail
Bergevin, Jerry
Buxton, Michael
Cusson-Cail,
Kathleen
Erickson, Duane
Graham, John
Hawkins, Kenneth
Hopper, Gary
Kurk, Neal
McCarthy, Michael
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Reed, Michael
Silva, Peter
Stepanek, Stephen
Ulery, Jordan
Willette, Robert

MERRIMACK

Blankenbeker, Lynne
Hill, Gregory
Kotowski, Frank
Lockwood, Priscilla
Reed, Dennis
Winter, Steven

Cohn, Seth
Hoell, J.R.
Kreis, Kenneth Sr
McDonnell, John
Seaworth, G. Brian

Giuda, J. Brandon
Keane, Thomas
Lauer-Rago, Kathleen
McGuire, Carol
Smith, Todd

Hess, David
Kidder, David
Lindsley, Mark
Palfrey, David
Soltani, Tony

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
Davenport, Joshua
Elliott, Robert
Hagan, Joseph
Janvrin, Kevin
Major, Norman
McMahon, Charles
Quandt, Matt
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Ward, Joanne

Allen, Mary
Belanger, Ronald
Charron, Gene
DeSimone, Debra
Fesh, Robert
Headd, James
Kappler, Lawrence
Manuse, Andrew
O'Connor, John
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Webb, James

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Katsakiores, Phyllis
Mauro, Donna
Perkins, Lawrence
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Welch, David

Azarian, Gary
Birdsell, Regina
Copeland, Timothy
Duarte, Joe
Griffin, Mary
Itse, Daniel
Kolodziej, Walter
McKinney, Betsy
Quandt, Marshall
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela
Weyler, Kenneth

STRAFFORD

Brown, Julie
Jones, Laura
O'Connor, William
Vita, Lucien

Cataldo, Sam
Larsen Schultz,
Kirsten
Parsons, Robbie

DeLemus, Susan
Munck, Philip
Pitre, Joseph

Groen, Warren
Newton, Clifford
Vita, Carol

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas
Smith, Steven

NAYS 79

BELKNAP

Flanders, Donald

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Lerandeau, Alfred
Roberts, Kris

Chase, Cynthia
Lindsey, Steven
Sad, Tara

Hawkes, Samuel
Meador, David
Weber, Lucy

Johnsen, Gladys
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary

Theberge, Robert

Thomas, Yvonne

GRAFTON

Almy, Susan
Harding, Laurie
Taylor, Kathleen

Benn, Bernard
Nordgren, Sharon
Townsend, Charles

Cooney, Mary
Pastor, Beatriz
White, Andrew

Gould, Franklin
Pierce, David

HILLSBOROUGH

Baroody, Benjamin
Gimas, John
Porter, Marjorie
Sullivan, Peter

Cote, David
Goley, Jeffrey
Rosenwald, Cindy

Daler, Jennifer
Gorman, Mary
Shaw, Barbara

Gidge, Kenneth
Leishman, Peter
Sullivan, Daniel

MERRIMACK

Deloge, Helen
Gile, Mary
Patten, Dick
Watrous, Rick

DeStefano, Stephen
Hamm, Christine
Rice, Chip
Williams, Robert

Foose, Robert
MacKay, James
Richardson, Gary

Frazer, June
Owen, Derek
Shurtleff, Stephen

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

DiPentima, Rich
Read, Robin Jr

Lovejoy, Patricia
Schlachman, Donna

Moody, Marcia
Serlin, Christopher

STRAFFORD

Berube, Roger
Hooper, Dorothea
Perry, Robert
Spang, Judith

Browne, Brendon
Horrigan, Timothy
Roberts, Jenna
Wall, Janet

Ginsburg, Philip
Kaen, Naida
Schmidt, Peter
Watters, David

Grassie, Anne
Keans, Sandra
Spainhower, Dale

SULLIVAN

Cloutier, John

and the majority committee report was adopted and ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Tregenza moved that the debate from March 21, 2012 on **HB 437-FN**, relative to the definition of marriage, be printed in the Permanent Journal.

On a division vote, 136 members having voted in the affirmative and 161 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D)

HB 1680-FN, requiring the department of health and human services to compile and maintain induced termination of pregnancy statistics. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for Health, Human Services and Elderly Affairs: A subcommittee worked on HB 1680 in order to identify an appropriate way to collect meaningful data about the number of abortions that are done in New Hampshire. It became apparent that data collection involved negotiating with two different departments and acquiring a fiscal note. The subcommittee amended the bill to request that the Health and Human Service Oversight Committee create a subcommittee to better address these issues and report back their findings. It is the intent of the Health and Human Service and Elderly Affairs committee that this work commence during the 2012 session. Vote 14-3.

Amendment (1025h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the duties of the oversight committee on health and human services.

Amend the bill by replacing all after the enacting clause with the following:

1 Oversight Committee on Health and Human Services; Subcommittee on Induced Termination of Pregnancy Statistics.

I. In addition to its duties under RSA 126-A:15, I, the oversight committee on health and human services, established under RSA 126-A:13, shall establish a subcommittee pursuant to RSA 126-A:15, II to research the collection of induced termination of pregnancy statistics and to develop recommendations for legislation.

II. The members of the subcommittee shall be appointed by the chairperson of the oversight committee on health and human services.

III. Legislative members of the subcommittee shall receive mileage at the legislative rate when attending to the duties of the subcommittee.

IV.(a) The subcommittee shall research the collection of induced termination of pregnancy statistics and develop recommendations for legislation. The subcommittee's study shall include, but not be limited to:

- (1) What data is necessary.
- (2) Who would use the collected data.
- (3) Where the data should be stored.
- (4) The necessary infrastructure and costs required to collect the data.

(b) The subcommittee shall advise the general court on these issues and include its recommendations for legislation in a report due on or before November 1, 2012.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the oversight committee on health and human services to establish a subcommittee to advise the general court on the collection of data regarding induced termination of pregnancy statistics.

Amendment adopted.

On a division vote, 271 members having voted in the affirmative and 19 in the negative, the committee report was adopted and ordered to third reading.

HB 1653-FN, relative to the rights of conscience for medical professionals. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen F. Souza for the Majority of Judiciary: This bill will provide needed statutory protection for healthcare professionals' freedom of conscience. The Constitution of New Hampshire is clear: "Among the natural rights, some are in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the Rights of the Conscience." Nurses in some states have been told to assist in abortion or lose their jobs. Pharmacists in New Hampshire have been told they must take part in dispensing abortifacient drugs. Federally, doctors are being pressured to refer for procedures that violate their religious or conscientious beliefs. In addition, there is a growing list of ethical situations where the conscience rights of workers need to be safeguarded, be it in the fields of assisted suicide, euthanasia, or embryonic stem-cell work. Currently, only three states, including New Hampshire fail to provide statutory protection of this "unalienable right" of conscience. This bill will fill that void. Vote 12-5.

Rep. Rick H. Watrous for the Minority of Judiciary: This bill prohibits civil, criminal or job-related action against any health care provider who objects to participating in any way in a health care service. The bill defines "health care service" as "any phase of patient medical care or treatment, including, but not limited to, the following: patient referrals, patient counseling, patient testing, patient diagnosis or prognosis, research, instruction, the prescription or administration of any device, drug or medication, or any combination of drugs or medications, performing surgery, or providing any other care or treatment rendered by health care providers or health care institutions, intended for the patient's physical, emotional, or mental well-being." There is no exception for emergency or life saving treatment. Pharmacists, nurses, doctors, clinic workers, hospital employees and a host of others would be able to deny services and medications, without warning, to customers and patients. Not only does this bill ignore the needs and rights of patients, it is also anti-employer. It would be unlawful for any employer, as well as any patient, to take action against any health care worker who refuses to participate, in any way, in a health care service that they find objectionable. But patients have the right to expect to receive medical treatment or care. Employers should have the right to expect employees to perform the work for which they were hired. HB 1653 is anti-patient and anti-business and would inject chaos and uncertainty into New Hampshire health care.

LAID ON THE TABLE

Rep. Rowe moved that ***HB 1653-FN***, relative to the rights of conscience for medical professionals, be laid on the table.

On a division vote, 238 members having voted in the affirmative and 59 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D)

HB 1660-FN, relative to abortions after 20 weeks. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen F. Souza for the Majority of Judiciary: This bill addresses a growing concern regarding the susceptibility of the unborn child to feel pain. Evidence is mounting that, indeed, by twenty weeks gestation, the unborn child is fully capable of experiencing pain. Medical and scientific literature is replete with reports attesting to this. Testimony from the fields of obstetrics, neurology and perinatoglogy has been presented in scientific journals and before the United States Congress. One noted neurologist states that "unborn children at 20 weeks gestation probably feel pain more intensely than adults." Although some may doubt

these scientific findings, the majority of the committee feels that the right thing to do is to act with compassion for these unborn children and thus voted this bill Ought to Pass. Vote 12-4.

Rep. Lucy M. Weber for the Minority of Judiciary: The minority believes this bill, titled the "Pain-Capable Unborn Child Protection Act" to be flawed for many reasons. First, the minority is unpersuaded that there has actually been a scientific determination that a fetus can feel pain at 20 weeks after fertilization or what the medical community, which counts from the date of the last menstrual period, refers to as the 22nd week of pregnancy. We were given testimony that neurons or pain fibers do not even reach the brain's cortex until the 26th week of pregnancy and it has not been proven that pain as we know it is experienced then either. Second, this bill would constitute state intrusion into the established right of a woman to make her own decisions governing her own body, in consultation with her chosen medical care providers. Third, this bill would intrude the state into the practice of medicine, and would require physicians to depart from accepted standards of medical practice. Fourth, the bill increases bureaucracy by requiring an extensive and problematical reporting system. A more acceptable reporting system is currently being explored by another committee. Finally, portions of the bill, as for example the section on abortions necessary to preserve the life of the fetus, are a contradiction in terms and make no sense.

The question being adoption of the majority committee report of Ought to Pass.

Rep. Souza spoke in favor and yielded to questions.

Rep. Willette spoke in favor.

Rep. Weber spoke against and requested a roll call; sufficiently seconded.

YEAS 190 NAYS 109

YEAS 190

BELKNAP

Accornero, Harry
Flanders, Donald
Malone, Robert
Tilton, Franklin

Bolster, Peter
Greemore, Robert
Pilliod, James
Worsman, Colette

Comtois, Guy
Kingsbury, Robert
Russell, David

Fields, Dennis
Luther, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher
McConkey, Mark
Schmidt, Stephen

Fleck, Joseph
Merrow, Harry
Tregenza, Norman

Knox, J. David
Pettengill, Laurie
Umberger, Karen

McCarthy, Frank
Scala, Dino

CHESHIRE

Butynski, William
Johnsen, Gladys

Byrnes, John
Johnson, Jane

Cartwright, Anne
Moore, Charles

Emerson, Susan
Smith, Edwin

COOS

Rappaport, Laurence

Remick, William

Tholl, John Jr

Tremblay, Marc

GRAFTON

Bradley, Lester
Mirski, Paul

Bulis, Lyle
Sorg, Gregory

Gionet, Edmond
Sova, Charles

Ingbretson, Paul

HILLSBOROUGH

Avard, Kevin
 Belanger, James
 Burt, John
 Daniels, Gary
 Haefner, Robert
 Hikel, John
 Hutchinson, Winfred
 Maltz, Jonathan
 Murphy, Keith
 Palmer, Barry
 Pepino, Leo
 Reed, Michael
 Silva, Peter
 Stepanek, Stephen
 Twombly, Timothy
 Willette, Robert

Balboni, Michael
 Bergevin, Jerry
 Buxton, Michael
 Doherty, Shaun
 Hansen, Peter
 Hogan, Edith
 Jasper, Shawn
 McCarthy, Michael
 Notter, Jeanine
 Palmer, Stephen
 Peterson, Lenette
 Renzullo, Andrew
 Simmons, Tammy
 Sullivan, Peter
 Ulery, Jordan

Ball, J. Michael
 Boehm, Ralph
 Christiansen, Lars
 Donovan, Daniel
 Hardwick, Harry
 Holden, Frank
 Krasucki, Joseph
 McClarren, Donald
 O'Brien, William
 Parison, James
 Pratt, Calvin
 Rowe, Robert
 Soucy, Connie
 Terrio, Ross
 Villeneuve, Moe

Barry, Richard
 Brownrigg, Randall Jr
 Coffey, James
 Gonzalez, Carlos
 Hawkins, Kenneth
 Hopper, Gary
 LeBrun, Donald
 McGuinness, Sean
 Ohm, Bill
 Pellegrino, Tony
 Proulx, Mark
 Seidel, Carl
 Souza, Kathleen
 Thomas, Joseph
 Whitehead, Randall

MERRIMACK

Blankenbeker, Lynne
 Hoell, J.R.
 McDonnell, John
 Reed, Dennis

Coffey, Jennifer
 Kotowski, Frank
 McGuire, Carol
 Smith, Todd

DeStefano, Stephen
 Lauer-Rago, Kathleen
 McGuire, Dan

Giuda, J. Brandon
 Lindsley, Mark
 Palfrey, David

ROCKINGHAM

Abrami, Patrick
 Bates, David
 Charron, Gene
 Devine, James
 Garcia, Marilinda
 Hoelzel, Kathleen
 Katsakiores, Phyllis
 Mauro, Donna
 Quandt, Marshall
 Ritter, Glenn
 Sheffert, Kenneth
 Sytek, John
 Webb, James

Allen, Mary
 Bettencourt, David
 Comerford, Timothy
 Duarte, Joe
 Griffin, Mary
 Itse, Daniel
 Kolodziej, Walter
 McMahon, Charles
 Quandt, Matt
 Sanders, Elisabeth
 Shuler, Wyman III
 Tremblay, Stella
 Welch, David

Antosz, Jason
 Birdsell, Regina
 Davenport, Joshua
 Elliott, Robert
 Hagan, Joseph
 Janvrin, Kevin
 Major, Norman
 O'Connor, John
 Reagan, John
 Schroadter, Adam
 Smith, William
 Tucker, Pamela
 Weyler, Kenneth

Baldasaro, Alfred
 Brown, Paul
 DeSimone, Debra
 Fesh, Robert
 Headd, James
 Kappler, Lawrence
 Manuse, Andrew
 Perkins, Lawrence
 Rice, Frederick
 Sedensky, John
 Sullivan, James
 Ward, Joanne

STRAFFORD

Berube, Roger
 Jones, Laura

Cataldo, Sam
 Larsen Schultz,
 Kirsten
 Pitre, Joseph

DeLemus, Susan
 Munck, Philip

Groen, Warren
 O'Connor, William

Parsons, Robbie

Vita, Carol

Vita, Lucien

SULLIVAN

Bowers, Spec
 Lovett, Charlene

Cunningham, Steven
 Osgood, Joe

LaCasse, Paul Sr
 Rodeschin, Beverly

Laware, Thomas
 Smith, Steven

NAYS 109

BELKNAP

Millham, Alida

Swinford, Elaine

CARROLL

Babson, David Jr Chandler, Gene Patten, Betsey

CHESHIRE

Chase, Cynthia	Hawkes, Samuel	Hunt, John	Lerandean, Alfred
Lindsey, Steven	Meader, David	Moore, Robert Jr	Parkhurst, Henry
Roberts, Kris	Sad, Tara	Sterling, Franklin Jr	Weber, Lucy
Weed, Charles			

COOS

Theberge, Robert Thomas, Yvonne

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Gould, Franklin
Harding, Laurie	Ladd, Rick Jr	Nordgren, Sharon	Pastor, Beatriz
Pierce, David	Simard, Paul	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Barry, J. Gail	Belvin, William	Christensen, D.L. Chris	Cote, David
Cusson-Cail, Kathleen	Daler, Jennifer	Drisko, Richard	Erickson, Duane
Fredette, Robert	Gidge, Kenneth	Gimas, John	Goley, Jeffrey
Gorman, Mary	Graham, John	Kurk, Neal	Leishman, Peter
Long, Patrick	Messier, Irene	Ober, Lynne	Ober, Russell III
Porter, Marjorie	Ramsey, Peter	Robbins, David	Rosenwald, Cindy
Shaw, Barbara	Vaillancourt, Steve		

MERRIMACK

Bouchard, Candace	Cohn, Seth	Deloge, Helen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Hess, David
Hill, Gregory	Keane, Thomas	Kidder, David	Kreis, Kenneth Sr
Lockwood, Priscilla	MacKay, James	Owen, Derek	Patten, Dick
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Watrous, Rick	Williams, Robert	Winter, Steven	

ROCKINGHAM

Belanger, Ronald	Copeland, Timothy	DiPentima, Rich	Lovejoy, Patricia
Moody, Marcia	Norelli, Terie	Read, Robin Jr	Sapareto, Frank
Schlachman, Donna	Serlin, Christopher		

STRAFFORD

Brown, Julie	Browne, Brendon	Ginsburg, Philip	Grassie, Anne
Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida	Keans, Sandra
Perry, Robert	Roberts, Jenna	Schmidt, Peter	Spainhower, Dale
Spang, Judith	Sprague, Dale	Wall, Janet	Watters, David

SULLIVAN

Cloutier, John
and the majority committee report was adopted and ordered to third reading.

***HB 1725-FN*, prohibiting health care practitioner self-referrals for medical devices.
OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph M. Hagan for Judiciary: This would prohibit physicians and other healthcare practitioners (HCP) from referring, ordering or arranging medical devices to patients under their care if such device is supplied by an entity in which the physician or HCP has a substantial financial interest, as defined in RSA 125:25-a. While this practice is not taking place in New Hampshire today, it is heading our way. While cogent arguments were made that this bill could limit competition and halt innovation, the potential for abuse and the obvious conflict of interest could result in patient injury. This latter concern mandates passing this legislation without delay. Vote 12-4.

Amendment (1329h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Prohibited Self Referrals. Amend RSA 125 by inserting after section 25-c the following new subdivision:

Prohibited Self-Referrals

125:25-d Prohibited Self-Referrals.

I. In this subdivision:

(a) "Health care practitioner" means "health care practitioner" as defined in RSA 125:25-a.

(b) "Medical device" means any Food and Drug Administration class II or III implantable medical device.

(c) "Ownership interest" means "ownership interest" as defined in RSA 125:25-a.

(d) "Referral" means a health care practitioner's request for, ordering of, or certifying or recertifying the need for, any medical device, or a health care practitioner's request that includes the provision of any medical device, the establishment of a plan of care that includes the provision of a medical device, or the certifying or recertifying of the need for a medical device. A health care practitioner refers a person to a supplier for a medical device when the health care practitioner directly or indirectly chooses or directs or requests another to choose the supplier of the medical device.

(e) "Supplier" means an entity that sells, or arranges for or negotiates contracts for purchase or sale of, medical devices, including a manufacturer, distributor, group purchasing organization, sales agent, or other medical device supplier. The term supplier does not include the health care facility or medical office where the implant procedure is performed.

II. Notwithstanding any provision of law to the contrary, a health care practitioner, including an immediate family member, shall not:

(a) Profit indirectly or directly from the sale of a medical device by any supplier in which the health care practitioner has a direct or indirect ownership interest.

(b) Make a referral of a person to a supplier for a medical device if the health care practitioner has a direct or indirect ownership interest in the supplier.

(c) Enter into a contract or business arrangement with another entity where the purpose or effect of the contract or business arrangement is to accomplish prohibited self-referrals indirectly, such as through the use of a third party, or through the use of a cross-referral agreement. Such prohibited contracts or business arrangements shall include any arrangement that requires or has the purpose or effect of causing the purchase of such medical devices from a specific supplier as a condition of, or incident to the provision of medical care by the health care practitioner.

III. No claim for payment shall be presented to any individual, third party payer, or other entity, for any medical device provided incident to the provision of a medical device furnished in violation of this subdivision.

IV. Failure to comply with this subdivision shall constitute an unfair or deceptive act or practice in violation of RSA 358-A.

V. In addition to penalties pursuant to paragraph IV, violators of this subdivision may be fined up to \$5,000 per procedure for a first offense and a second offense may result in suspension or loss of professional licensure and up to a \$10,000 fine.

2 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill prohibits health care practitioners, including physicians, from referring, recommending, ordering, or arranging for the acquisition of medical devices for patients under their care if the medical device is supplied directly or indirectly by an entity in which the referring practitioner has a direct or indirect ownership interest.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1623, relative to records of the legislative ethics committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Michael Ball for Legislative Administration: This is a minor language change as part of our effort to make state government more transparent and accessible for our citizens.

Vote 11-0.

Amendment (1273h)

Amend the bill by replacing section 1 with the following:

1 Legislative Ethics Committee; Records; Publication. Amend RSA 14-B:6 to read as follows:

14-B:6 **Publication and Retention of Records.** All records required to be filed or placed on file with the secretary of state under the provisions of this chapter, or ***with the clerk of the senate or the clerk of the house of representatives under*** the rules or guidelines adopted in accordance with RSA 14-B:5, shall be ***made available on the website maintained by the committee in a timely manner.*** **Records** maintained by the office of the secretary of state ***shall be retained for*** a period of 6 years, after which time they may be destroyed.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment.

Rep. Mirski spoke in favor and yielded to questions.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Giuda moved that the House reconsider its action whereby, on a division vote of 163-125, it adopted the committee report of Inexpedient to Legislate on **HB 1438**, relative to confidentiality of police personnel files.

Reps. Shurtleff and Kreis spoke against.

Rep. Giuda spoke in favor and yielded to questions.

Rep. Itse spoke in favor.

On a division vote, 172 members having voted in the affirmative and 130 in the negative, the motion was adopted.

The question now being adoption of the committee report of Inexpedient to Legislate.

Rep. Giuda spoke against and yielded to questions.

Rep. Carol McGuire requested a roll call; sufficiently seconded.

YEAS 93 NAYS 212

YEAS 93

BELKNAP

Luther, Robert	Millham, Alida	Swinford, Elaine	Tilton, Franklin
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CARROLL

None

CHESHIRE

Chase, Cynthia	Emerson, Susan	Hawkes, Samuel	Johnsen, Gladys
Lindsey, Steven	Sad, Tara	Weber, Lucy	Weed, Charles

COOS

Coulombe, Gary	Hatch, William	Theberge, Robert	Tholl, John Jr
Thomas, Yvonne			

GRAFTON

Benn, Bernard	Cooney, Mary	Harding, Laurie	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Taylor, Kathleen	Townsend, Charles
White, Andrew			

HILLSBOROUGH

Baroody, Benjamin	Barry, J. Gail	Barry, Richard	Christiansen, Lars
Cote, David	Daler, Jennifer	Goley, Jeffrey	Gonzalez, Carlos
Gorman, Mary	Hawkins, Kenneth	Leishman, Peter	Long, Patrick
Ober, Lynne	Ober, Russell III	Pellegrino, Tony	Pepino, Leo
Pilotte, Maurice	Porter, Marjorie	Ramsey, Peter	Rosenwald, Cindy
Shaw, Barbara	Sullivan, Daniel	Sullivan, Peter	

MERRIMACK

Bouchard, Candace	Deloge, Helen	DeStefano, Stephen	Foose, Robert
Frazer, June	Gile, Mary	Hamm, Christine	Kidder, David
Kreis, Kenneth Sr	Lockwood, Priscilla	MacKay, James	Owen, Derek
Potter, Frances	Rice, Chip	Richardson, Gary	Shurtleff, Stephen
Williams, Robert			

ROCKINGHAM

Allen, Mary	Antosz, Jason	Azarian, Gary	Cali-Pitts, Jacqueline
Copeland, Timothy	DiPentima, Rich	Janvrin, Kevin	Lovejoy, Patricia
Moody, Marcia	Norelli, Terie	Read, Robin Jr	Schlachman, Donna
Serlin, Christopher	Shuler, Wyman III		

STRAFFORD

Berube, Roger	Brown, Julie	Browne, Brendon	Ginsburg, Philip
Grassie, Anne	Hooper, Dorothea	Horrigan, Timothy	Kaen, Naida
Parsons, Robbie	Schmidt, Peter	Spainhower, Dale	Sprague, Dale
Watters, David			

SULLIVAN

None

NAYS 212

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Fields, Dennis
Flanders, Donald	Greemore, Robert	Kingsbury, Robert	Malone, Robert
Pilliod, James	Russell, David	St. Cyr, Jeffrey	Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Hunt, John
Johnson, Jane	Moore, Charles	Moore, Robert Jr	Parkhurst, Henry
Smith, Edwin	Sterling, Franklin Jr		

COOS

Rappaport, Laurence	Remick, William	Tremblay, Marc
---------------------	-----------------	----------------

GRAFTON

Almy, Susan	Bradley, Lester	Bulis, Lyle	Gionet, Edmond
Gould, Franklin	Ingretson, Paul	Ladd, Rick Jr	Simard, Paul
Sorg, Gregory	Sova, Charles		

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Belanger, James
Belvin, William	Bergevin, Jerry	Boehm, Ralph	Brownrigg, Randall Jr
Burt, John	Buxton, Michael	Christensen, D.L.	Coffey, James
		Chris	
Cusson-Cail, Kathleen	Daniels, Gary	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Graham, John	Haefner, Robert	Hansen, Peter	Hardwick, Harry
Hikel, John	Hogan, Edith	Holden, Frank	Hopper, Gary
Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph	Kurk, Neal
LeBrun, Donald	Maltz, Jonathan	McCarthy, Michael	McClarren, Donald
McGuinness, Sean	Messier, Irene	Murphy, Keith	Notter, Jeanine
Ohm, Bill	Palmer, Barry	Palmer, Stephen	Parison, James
Peterson, Lenette	Pratt, Calvin	Proulx, Mark	Reed, Michael
Renzullo, Andrew	Robbins, David	Rowe, Robert	Seidel, Carl
Silva, Peter	Simmons, Tammy	Soucy, Connie	Souza, Kathleen
Stepanek, Stephen	Stroud, Kathleen	Swank, Matthew	Terrio, Ross
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hill, Gregory	Hoell, J.R.	Keane, Thomas

Kotowski, Frank	Lauer-Rago, Kathleen	Lindsley, Mark	McDonnell, John
McGuire, Carol	McGuire, Dan	Palfrey, David	Patten, Dick
Reed, Dennis	Sanborn, Laurie	Seaworth, G. Brian	Smith, Todd
Soltani, Tony	Watrous, Rick	Winter, Steven	

ROCKINGHAM

Abrami, Patrick	Baldasaro, Alfred	Bates, David	Belanger, Ronald
Bettencourt, David	Birdsell, Regina	Brown, Paul	Charron, Gene
Comerford, Timothy	Davenport, Joshua	DeSimone, Debra	Devine, James
Duarte, Joe	Elliott, Robert	Fesh, Robert	Garcia, Marilinda
Griffin, Mary	Hagan, Joseph	Headd, James	Hoelzel, Kathleen
Itse, Daniel	Kappler, Lawrence	Katsakiores, Phyllis	Kolodziej, Walter
Major, Norman	Manuse, Andrew	Mauro, Donna	McKinney, Betsy
McMahon, Charles	O'Connor, John	Perkins, Lawrence	Reagan, John
Rice, Frederick	Ritter, Glenn	Sanders, Elisabeth	Sapareto, Frank
Schroadter, Adam	Sedensky, John	Sheffert, Kenneth	Smith, William
Sullivan, James	Sytek, John	Tasker, Kyle	Tremblay, Stella
Tucker, Pamela	Ward, Joanne	Webb, James	Welch, David
Weyler, Kenneth			

STRAFFORD

Cataldo, Sam	DeLemus, Susan	Groen, Warren	Jones, Laura
Keans, Sandra	Larsen Schultz, Kirsten	Munck, Philip	Newton, Clifford
O'Connor, William	Perry, Robert	Pitre, Joseph	Roberts, Jenna
Vita, Carol	Vita, Lucien	Wall, Janet	

SULLIVAN

Bowers, Spec	Cloutier, John	Cunningham, Steven	LaCasse, Paul Sr
Laware, Thomas	Lovett, Charlene	Osgood, Joe	Rodeschin, Beverly
Smith, Steven			

and the committee report failed.

Rep. Giuda moved Ought to Pass and offered floor amendment (1098h).

Floor Amendment (1098h)

Amend RSA 105:13-b as inserted by section 1 of the bill by replacing it with the following:

105:13-b Confidentiality of Personnel Files. ~~[No personnel file on a police officer who is serving as a witness or prosecutor in a criminal case shall be opened for the purposes of that criminal case, unless]~~ ***All exculpatory evidence in a personnel file on a police officer who is serving as a witness or prosecutor shall be provided to the prosecutor by the police department employing the officer and shall be released by the prosecutor to be used as evidence in accordance with all applicable rules regarding evidence in criminal cases. Non-exculpatory evidence shall only be released in that criminal case if*** the sitting judge makes a specific ruling that probable cause exists to believe that the file contains evidence relevant to that criminal case. If the judge rules that probable cause exists, the judge shall order the police department employing the officer to deliver the file to the judge. The judge shall examine the file in camera and make a determination whether it contains evidence relevant to the criminal case. Only those portions of the file which the judge determines to be relevant in the case shall be released to be used as evidence in accordance with all applicable rules regarding evidence in criminal cases. The remainder of the file shall be treated as confidential and shall be returned to the police department employing the officer.

AMENDED ANALYSIS

This bill clarifies the confidentiality provisions regarding use of police personnel files as evidence in criminal cases.

Rep. Giuda spoke in favor.

Rep. LeBrun requested a roll call; sufficiently seconded.

YEAS 245 NAYS 61

YEAS 245

BELKNAP

Accornero, Harry	Bolster, Peter	Comtois, Guy	Flanders, Donald
Greemore, Robert	Kingsbury, Robert	Luther, Robert	Malone, Robert
Millham, Alida	Pilliod, James	Russell, David	St. Cyr, Jeffrey
Tilton, Franklin	Worsman, Colette		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Hawkes, Samuel
Hunt, John	Johnson, Jane	Lindsey, Steven	Moore, Charles
Parkhurst, Henry	Sad, Tara	Smith, Edwin	Sterling, Franklin Jr

COOS

Coulombe, Gary	Hatch, William	Rappaport, Laurence	Remick, William
Theberge, Robert	Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Bulis, Lyle
Cooney, Mary	Gionet, Edmond	Harding, Laurie	Ingbreton, Paul
Ladd, Rick Jr	Pastor, Beatriz	Simard, Paul	Sorg, Gregory
Sova, Charles	Taylor, Kathleen	Townsend, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Belanger, James	Belvin, William	Bergevin, Jerry	Boehm, Ralph
Brownrigg, Randall Jr	Burt, John	Buxton, Michael	Christensen, D.L.
			Chris
Coffey, James	Cusson-Cail, Kathleen	Daniels, Gary	Doherty, Shaun
Donovan, Daniel	Drisko, Richard	Erickson, Duane	Flanagan, Jack
Fredette, Robert	Gonzalez, Carlos	Graham, John	Haefner, Robert
Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth	Hikel, John
Hogan, Edith	Holden, Frank	Hopper, Gary	Hutchinson, Winfred
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	LeBrun, Donald
Maltz, Jonathan	McCarthy, Michael	McClarren, Donald	McGuinness, Sean
Messier, Irene	Murphy, Keith	Notter, Jeanine	Ober, Lynne
Ober, Russell III	Ohm, Bill	Palmer, Barry	Palmer, Stephen
Parison, James	Pepino, Leo	Peterson, Lenette	Pratt, Calvin

Proulx, Mark
Rowe, Robert
Soucy, Connie
Sullivan, Daniel
Twombly, Timothy
Whitehead, Randall

Reed, Michael
Seidel, Carl
Souza, Kathleen
Swank, Matthew
Ulery, Jordan
Willette, Robert

Renzullo, Andrew
Silva, Peter
Stepanek, Stephen
Terrio, Ross
Vaillancourt, Steve

Robbins, David
Simmons, Tammy
Stroud, Kathleen
Thomas, Joseph
Villeneuve, Moe

MERRIMACK

Blankenbeker, Lynne
Giuda, J. Brandon
Hoell, J.R.
Lindsley, Mark
McGuire, Dan
Seaworth, G. Brian
Winter, Steven

Bouchard, Candace
Hamm, Christine
Keane, Thomas
Lockwood, Priscilla
Palfrey, David
Smith, Todd

Coffey, Jennifer
Hess, David
Kotowski, Frank
McDonnell, John
Reed, Dennis
Soltani, Tony

Cohn, Seth
Hill, Gregory
Lauer-Rago, Kathleen
McGuire, Carol
Sanborn, Laurie
Watrous, Rick

ROCKINGHAM

Abrami, Patrick
Bates, David
Brown, Paul
DeSimone, Debra
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
O'Connor, John
Ritter, Glenn
Sedensky, John
Smith, William
Tucker, Pamela
Weyler, Kenneth

Allen, Mary
Belanger, Ronald
Charron, Gene
Devine, James
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
Perkins, Lawrence
Sanders, Elisabeth
Serlin, Christopher
Sullivan, James
Ward, Joanne

Azarian, Gary
Bettencourt, David
Comerford, Timothy
Duarte, Joe
Griffin, Mary
Itse, Daniel
Lovejoy, Patricia
McKinney, Betsy
Reagan, John
Sapareto, Frank
Sheffert, Kenneth
Tasker, Kyle
Webb, James

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Elliott, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Rice, Frederick
Schroadter, Adam
Shuler, Wyman III
Tremblay, Stella
Welch, David

STRAFFORD

Brown, Julie
Groen, Warren

Cataldo, Sam
Jones, Laura

DeLemus, Susan
Keans, Sandra

Ginsburg, Philip
Larsen Schultz,
Kirsten

Munck, Philip
Perry, Robert
Spainhower, Dale
Wall, Janet

Newton, Clifford
Pitre, Joseph
Spang, Judith
Watters, David

O'Connor, William
Roberts, Jenna
Vita, Carol

Parsons, Robbie
Schmidt, Peter
Vita, Lucien

SULLIVAN

Bowers, Spec
Laware, Thomas

Cloutier, John
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Smith, Steven

NAYS 61

BELKNAP

Fields, Dennis

Swinford, Elaine

CARROLL

None

CHESHIRE

Chase, Cynthia
Roberts, Kris

Emerson, Susan
Weed, Charles

Johnsen, Gladys

Moore, Robert Jr

COOS

None

GRAFTON

Gould, Franklin

Nordgren, Sharon

Pierce, David

White, Andrew

HILLSBOROUGH

Baroody, Benjamin
Daler, Jennifer
Levasseur, Nickolas
Porter, Marjorie
Sullivan, Peter

Barry, Richard
Goley, Jeffrey
Long, Patrick
Ramsey, Peter

Christiansen, Lars
Gorman, Mary
Pellegrino, Tony
Rosenwald, Cindy

Cote, David
Leishman, Peter
Pilotte, Maurice
Shaw, Barbara

MERRIMACK

Deloge, Helen
Kidder, David
Patten, Dick
Shurtleff, Stephen

DeStefano, Stephen
Kreis, Kenneth Sr
Potter, Frances
Williams, Robert

Foose, Robert
MacKay, James
Rice, Chip

Gile, Mary
Owen, Derek
Richardson, Gary

ROCKINGHAM

Antosz, Jason
Janvrin, Kevin
Schlachman, Donna

Cali-Pitts, Jacqueline
Moody, Marcia
Sytek, John

Copeland, Timothy
Norelli, Terie

DiPentima, Rich
Read, Robin Jr

STRAFFORD

Berube, Roger
Horrigan, Timothy

Browne, Brendon
Kaen, Naida

Grassie, Anne

Hooper, Dorothea

SULLIVAN

Gagnon, Raymond
and floor amendment (1098h) was adopted.

Rodeschin, Beverly

The question now being adoption of the motion of Ought to Pass with Amendment.

Rep. Soltani spoke in favor and yielded to questions.

Rep. Dan McGuire requested a roll call; sufficiently seconded.

YEAS 284 NAYS 23

YEAS 284

BELKNAP

Accornero, Harry
Flanders, Donald
Millham, Alida
Swinford, Elaine

Bolster, Peter
Greemore, Robert
Pilliod, James
Tilton, Franklin

Comtois, Guy
Kingsbury, Robert
Russell, David
Worsman, Colette

Fields, Dennis
Malone, Robert
St. Cyr, Jeffrey

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
Knox, J. David	McCarthy, Frank	McConkey, Mark	Merrow, Harry
Patten, Betsey	Pettengill, Laurie	Scala, Dino	Schmidt, Stephen
Tregenza, Norman	Umberger, Karen		

CHESHIRE

Butynski, William	Byrnes, John	Cartwright, Anne	Chase, Cynthia
Emerson, Susan	Hawkes, Samuel	Hunt, John	Johnsen, Gladys
Johnson, Jane	Lindsey, Steven	Moore, Charles	Moore, Robert Jr
Parkhurst, Henry	Roberts, Kris	Sad, Tara	Smith, Edwin
Sterling, Franklin Jr			

COOS

Hatch, William	Rappaport, Laurence	Remick, William	Theberge, Robert
Tholl, John Jr	Thomas, Yvonne	Tremblay, Marc	

GRAFTON

Almy, Susan	Benn, Bernard	Bradley, Lester	Bulis, Lyle
Cooney, Mary	Gionet, Edmond	Gould, Franklin	Harding, Laurie
Ingbretson, Paul	Ladd, Rick Jr	Mirski, Paul	Nordgren, Sharon
Pastor, Beatriz	Pierce, David	Simard, Paul	Sorg, Gregory
Sova, Charles	Taylor, Kathleen	Townsend, Charles	

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brownrigg, Randall Jr	Burt, John	Buxton, Michael
Christensen, D.L.	Christiansen, Lars	Coffey, James	Cote, David
Chris			
Cusson-Cail, Kathleen	Daniels, Gary	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Graham, John
Haefner, Robert	Hansen, Peter	Hardwick, Harry	Hawkins, Kenneth
Hikel, John	Hogan, Edith	Holden, Frank	Hutchinson, Winfred
Jasper, Shawn	Krasucki, Joseph	Kurk, Neal	LeBrun, Donald
Leishman, Peter	Levasseur, Nickolas	Maltz, Jonathan	McCarthy, Michael
McClarren, Donald	McGuinness, Sean	Messier, Irene	Murphy, Keith
Notter, Jeanine	Ober, Lynne	Ober, Russell III	Ohm, Bill
Palmer, Barry	Palmer, Stephen	Parison, James	Pellegrino, Tony
Pepino, Leo	Peterson, Lenette	Pilotte, Maurice	Porter, Marjorie
Pratt, Calvin	Proulx, Mark	Reed, Michael	Renzullo, Andrew
Robbins, David	Rosenwald, Cindy	Rowe, Robert	Seidel, Carl
Shaw, Barbara	Silva, Peter	Simmons, Tammy	Soucy, Connie
Souza, Kathleen	Stepanek, Stephen	Stroud, Kathleen	Sullivan, Daniel
Sullivan, Peter	Swank, Matthew	Terrio, Ross	Thomas, Joseph
Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Moe
Whitehead, Randall	Willette, Robert		

MERRIMACK

Blankenbeker, Lynne	Bouchard, Candace	Coffey, Jennifer	Cohn, Seth
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DeStefano, Stephen
Hill, Gregory
Kotowski, Frank
McDonnell, John
Palfrey, David
Rice, Chip
Smith, Todd
Winter, Steven

Gile, Mary
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Carol
Patten, Dick
Richardson, Gary
Soltani, Tony

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
McGuire, Dan
Potter, Frances
Sanborn, Laurie
Watrous, Rick

Hess, David
Kidder, David
Lockwood, Priscilla
Owen, Derek
Reed, Dennis
Seaworth, G. Brian
Williams, Robert

ROCKINGHAM

Abrami, Patrick
Baldasaro, Alfred
Birdsell, Regina
Comerford, Timothy
DiPentima, Rich
Garcia, Marilinda
Hoelzel, Kathleen
Kolodziej, Walter
Mauro, Donna
O'Connor, John
Rice, Frederick
Schlachman, Donna
Sheffert, Kenneth
Tasker, Kyle
Webb, James

Allen, Mary
Bates, David
Brown, Paul
Davenport, Joshua
Duarte, Joe
Griffin, Mary
Itse, Daniel
Lovejoy, Patricia
McKinney, Betsy
Perkins, Lawrence
Ritter, Glenn
Schroadter, Adam
Shuler, Wyman III
Tremblay, Stella
Welch, David

Antosz, Jason
Belanger, Ronald
Cali-Pitts, Jacqueline
DeSimone, Debra
Elliott, Robert
Hagan, Joseph
Kappler, Lawrence
Major, Norman
McMahon, Charles
Read, Robin Jr
Sanders, Elisabeth
Sedensky, John
Smith, William
Tucker, Pamela
Weyler, Kenneth

Azarian, Gary
Bettencourt, David
Charron, Gene
Devine, James
Fesh, Robert
Headd, James
Katsakiores, Phyllis
Manuse, Andrew
Moody, Marcia
Reagan, John
Sapareto, Frank
Serlin, Christopher
Sullivan, James
Ward, Joanne

STRAFFORD

Berube, Roger
Ginsburg, Philip
Keans, Sandra

O'Connor, William
Roberts, Jenna
Vita, Carol

Brown, Julie
Grassie, Anne
Larsen Schultz,
Kirsten
Parsons, Robbie
Schmidt, Peter
Vita, Lucien

Cataldo, Sam
Groen, Warren
Munck, Philip
Perry, Robert
Spainhower, Dale
Wall, Janet

DeLemus, Susan
Jones, Laura
Newton, Clifford

Pitre, Joseph
Sprague, Dale
Watters, David

SULLIVAN

Bowers, Spec
LaCasse, Paul Sr
Rodeschin, Beverly

Cloutier, John
Laware, Thomas
Smith, Steven

Cunningham, Steven
Lovett, Charlene

Gagnon, Raymond
Osgood, Joe

NAYS 23

BELKNAP

Luther, Robert

CARROLL

None

CHESHIRE

Weed, Charles

COOS

Coulombe, Gary

GRAFTON

White, Andrew

HILLSBOROUGH

Baroody, Benjamin

Daler, Jennifer

Long, Patrick

Ramsey, Peter

MERRIMACK

Deloge, Helen
MacKay, James

Foose, Robert
Shurtleff, Stephen

Hamm, Christine

Kreis, Kenneth Sr

ROCKINGHAM

Copeland, Timothy

Janvrin, Kevin

Norelli, Terie

Sytek, John

STRAFFORD

Browne, Brendon
Spang, Judith

Hooper, Dorothea

Horrigan, Timothy

Kaen, Naida

SULLIVAN

None

and the motion was adopted and ordered to third reading.

INTRODUCTION OF GUESTS

Nurses from various programs around New Hampshire, guests of the House.

REGULAR CALENDAR (CONT'D)

HB 1634, establishing a committee to study the implementation of United Nations Agenda 21 into the state, counties, regional commissions, towns, and cities. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsey L. Patten for Municipal and County Government: A study committee is proposed in HB 1634 to investigate United Nations Agenda 21 and its possible effect on the private property rights of New Hampshire landowners. The due date for the report is November 1, 2012. During testimony on this bill, the committee heard that there is a large volume of information to read and digest. The chairman explained the process and time line for a study committee. The bill would need to go to the Senate, be heard and voted on and if passed onto the governor. A mid-July date to start studying the issue is a distinct possibility. The majority of the committee felt it was insufficient time to produce a viable report. An option was discussed that would have some committee members and sponsors working together to create an amendment that could be attached to an upcoming Senate bill. The possible amendment would try to achieve a desirable result consistent with the New Hampshire Constitution regarding private property rights. Vote 12-2.
Rep. Cartwright spoke in favor.
Committee report adopted.

HB 1460, establishing a committee to study additional public employee pension reforms. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Hawkins for the Majority of Special Committee on Public Employee Pensions

Reform: This bill was to establish a study committee for the New Hampshire Retirement System. The amendment replaces the bill with the establishment of a defined contribution system for all new employees hired after November 1, 2012. This is one of the platform positions - the reform of the pension system to help alleviate the uncertainty to the local taxpayers of New Hampshire for funding a plan that is only 67% funded. This bill now says that for future years the local taxpayer will know what the cost is no matter what the stock market fluctuations are. Vote 11-4.

Rep. Stephen J. Shurtleff for the Minority of Special Committee on Public Employee Pensions Reform: This bill, as amended, is a seriously flawed bill that will cost the state, cities and municipalities hundreds of millions of dollars in the next biennium and many hundreds of millions in future state and local budgets. The amendment raises many unanswered questions and if there was ever a bill not ready for prime time, this is it. Other than the sponsor, there was no other testimony in favor. The municipal association spoke in opposition to the amendment because of the immediate increases to every public employer in the state. Even the Representatives on the committee who supported the amendment agreed this was a deeply flawed bill. The minority agrees that the amendment is bad and believes the House should never pass a bill knowing it is bad. We should never knowingly pass a bill expecting for another body to fix our mistakes.

Majority Amendment (1163h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a defined contribution retirement plan for public employees.

Amend the bill by replacing all after the enacting clause with the following:

1 Participation by Members; Retirement System. Amend the introductory paragraph of RSA 100-A:3, I(a) to read as follows:

I.(a) Any person who becomes an employee, teacher, permanent policeman, or permanent fireman ~~[after the date of establishment]~~ **prior to November 1, 2012**, working in a position for an employer under this chapter as determined by common law standards, shall become a member of the retirement system as a condition of employment. In addition, employees appointed to an unclassified position with no fixed term on or after July 1, 2011 shall become members of the retirement system as a condition of employment, if they are receiving benefits from the retirement system. Any retirement benefit collected by such an unclassified employee shall be suspended during the period of employment. ***Employees, teachers, permanent policemen, and permanent firemen beginning service on or after November 1, 2012, working in a position for an employer under RSA 100-E as determined by common law standards, shall as a condition of employment participate in the public employee defined contribution plan established under RSA 100-E. Until November 1, 2012,*** membership in the retirement system shall be optional in the case of elected officials, officials appointed for fixed terms, employees appointed to an unclassified position with no fixed term prior to July 1, 2011, or those employees of the general court who are eligible for membership in the retirement system. Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:

2 New Chapter; Public Employee Defined Contribution Plan. Amend RSA by inserting after chapter 100-D the following new chapter:

CHAPTER 100-E

PUBLIC EMPLOYEE DEFINED CONTRIBUTION PLAN

100-E:1 Authorization of Plan. The public employee defined contribution plan authorized in this chapter is intended as a qualified retirement plan established and maintained by the state with contributions treated as provided in 26 U.S.C. section 414(h).

100-E:2 Definitions. In this chapter:

I. "Earnable compensation" means earnable compensation as defined in RSA 100-A:1.

II. "Employer" means all employers participating in the New Hampshire retirement system under RSA 100-A on October 31, 2012, and any new employers electing to participate in the plan on and after November 1, 2012.

III. "Group I members" means employees and teachers as defined in RSA 100-A:1.

IV. "Group II members" means permanent policemen and permanent firemen as defined in RSA 100-A:1.

V. "Member" means any person included in the membership of the plan, as provided in RSA 100-E:3.

VI. "Plan" means the public employee defined contribution plan established in this chapter for members who begin service on and after November 1, 2012.

100-E:3 Membership. Any person who is first employed, or reemployed after separation from service, by an employer and entered on the payroll on a full-time basis on or after November 1, 2012 shall be a member of the plan established in this chapter; except that membership shall be optional in the case of elected officials, unclassified state employees appointed for fixed terms, or full-time employees of the general court.

100-E:4 Member Contributions.

I. Mandatory member contributions shall be at the following rate percent applied to the member's earnable compensation:

(a) Group I members, 7.00.

(b)(1) Group II permanent fireman members, 11.80.

(2) Group II permanent police members, 11.55.

II. Additional voluntary employee contributions shall be allowed to the extent permitted by the federal Internal Revenue Code and Regulations for qualified governmental retirement plans.

100-E:5 Employer Contributions.

I. For group I employees and teachers, the employer shall contribute on behalf of the member an amount equal to 9 percent of the member's earnable compensation, minus the sum of the following:

(a) Mandatory contributions of the member under RSA 100-E:4, I.

(b) The cost of the required premium contributions for long term disability insurance and life insurance attributable to the member.

II. For group II members, the employer shall contribute on behalf of the member an amount equal to 15 percent of the member's earnable compensation, minus the sum of the following:

(a) Mandatory contributions of the member under RSA 100-E:4, I.

(b) The cost of the required premium contributions for long term disability insurance and life insurance attributable to the member.

100-E:6 Employer Payments for State Retirement System Unfunded Accrued Liability.

I. Each employer participating in the New Hampshire retirement system under RSA 100-A on October 31, 2012 shall pay to the retirement system a sum, calculated as the percentage of earnable compensation of its members participating in the plan, in an amount equal to the employer contribution rate determined under RSA 100-A:16, II minus the employer contribution determined in RSA 100-E:5 for the respective member.

II. Employer payments under this section shall continue until the New Hampshire retirement system actuary determines that the funded ratio of the consolidated retirement system in RSA 100-A as of June 30 of any given year is equal to or greater than 100 percent. Provided, however that employer payments under this section shall resume if for any subsequent period the retirement system under RSA 100-A incurs new unfunded accrued liability.

100-E:7 Adjustment of Contribution Rates.

I. The sum of the employer contributions under RSA 100-E:5 and the employer payments under RSA 100-E:6, expressed as the rate percent of a member's earnable compensation, shall be the "total employer rate."

II. Upon attainment of the reduction in the total employer rate to 7 percent for group I, 11.80 percent for group II permanent fireman members, or 11.55 percent for group II permanent police members, the contribution rates under RSA 100-E:4 and RSA 100-E:5 shall, upon further reductions in required contributions, both be adjusted and reduced equally until the sum of the total employer rate and the employee contribution rate equals 9 percent for group I members or 15 percent for group II members.

100-E:8 Employer Costs for Long Term Disability and Life Insurance Benefits. The employer shall pay the costs for long term disability insurance benefits and life insurance benefits which shall be provided at benefit levels to be determined.

100-E:9 Plan Administration.

I. The governor and council shall contract according to the procedure in RSA 100-E:13 with an administrator for the public employee defined contribution plan for the administration of assets accumulated under each member's account.

II. The plan shall include a range of investment options and a procedure for election of options by the member. If a member exercises control over the assets in the individual account, the member is not considered a fiduciary for any reason on the basis of exercising that control.

III. No member-in-service loans, hardship withdrawals, or other in-service withdrawals shall be permitted.

IV. The plan shall include the requirement that at least 50 percent of funds in an individual member account at the member's retirement be converted to a life annuity contract to provide income during retirement. The plan shall include life annuity options which may be elected by the member upon retirement.

100-E:10 Vesting.

I. Member contributions and investment return attributable to member contributions shall be 100 percent vested as of the date of contribution or accrual.

II. Employer contributions and investment return attributable to employer contributions held in an account of a member by the administrator shall be vested under this chapter according to the following schedule:

(a) Twenty percent of funds in an account after 6 years total of active service by a member.

(b) Forty percent of funds in an account after 7 years total of active service by a member.

(c) Sixty percent of funds in an account after 8 years total of active service by a member.

(d) Eighty percent of funds in an account after 9 years total of active service by a member.

(e) One hundred percent of funds in an account after 10 years total of active service by a member.

III. Employer contributions which are not vested as provided in paragraph II shall upon termination of the membership of the employee in the plan be forfeited funds and applied toward the reduction of future employer contribution requirements.

100-E:11 Disbursement of Funds. Upon retirement of a member:

I. At least 50 percent of funds in an individual member account shall be converted by the administrator to a life annuity contract.

II. Up to 50 percent of the vested balance in an individual member account shall be available for withdrawal by the participant at retirement.

100-E:12 Retirement Age. The age at which a member first becomes eligible for receipt of disbursed funds held in the member's individual account shall be as follows:

I. Group I members, age 60.

II. Group II members, age 50.

100-E:13 Selection of Administrator.

I. The department of administrative services shall issue a request for proposals (RFP) to qualified entities engaged in retirement and pension plan management. In addition, the New Hampshire retirement system may bid on management of the public employee defined contribution plan.

II. The RFP shall be issued requesting 3 options for plan management and administration, as follows:

(a) Investment management and plan administration for the public employee defined contribution plan only.

(b) Investment management and plan administration for the public employee defined contribution plan, plus investment management for the retirement system corpus fund under RSA 100-A pending legislative authorization for such management.

(c) Investment management and plan administration for the public employee defined contribution plan, plus investment management and plan administration for retirement system corpus fund under RSA 100-A pending legislative authorization for such management and administration.

III. The governor and council shall contract to provide for a fully bundled retirement plan including investment management and plan administration that will include full services to employer and employee participants in the plan. Plan management shall provide educational services for employer and employee participants.

IV. The selection of an administrator for plan management shall be based on the best combination of contracted management and administrative costs and proposed services.

3 Effective Date. This act shall take effect July 1, 2012.

AMENDED ANALYSIS

This bill establishes a defined contribution retirement plan for public employees and requires the issuance of a request for proposals for plan administration. Beginning November 1, 2012, all new hires by employers participating in the retirement system shall be enrolled in the public employee defined contribution plan.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Reps. Shurtleff and Goley spoke against.

Rep. Kurk spoke in favor.

MOTION TO EXTEND DEBATE LIMIT

Rep. Winter moved that the debate limit be extended for 1 minute for Representative Kurk. On a division vote, 111 members having voted in the affirmative and 182 in the negative, the motion failed.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Rep. LeBrun requested a roll call; sufficiently seconded.

YEAS 197 NAYS 104

YEAS 197

BELKNAP

Accornero, Harry
Kingsbury, Robert
St. Cyr, Jeffrey

Comtois, Guy
Malone, Robert
Swinford, Elaine

Fields, Dennis
Pilliod, James
Tilton, Franklin

Greemore, Robert
Russell, David
Worsman, Colette

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	Fleck, Joseph
McCarthy, Frank	McConkey, Mark	Morrow, Harry	Patten, Betsey
Pettengill, Laurie	Scala, Dino	Schmidt, Stephen	Tregenza, Norman
Umberger, Karen			

CHESHIRE

Cartwright, Anne	Hunt, John	Johnson, Jane	Moore, Charles
Moore, Robert Jr	Smith, Edwin	Sterling, Franklin Jr	

COOS

Rappaport, Laurence

GRAFTON

Bradley, Lester	Bulis, Lyle	Gionet, Edmond	Ingbretson, Paul
Mirski, Paul	Simard, Paul	Sorg, Gregory	Sova, Charles

HILLSBOROUGH

Avard, Kevin	Balboni, Michael	Ball, J. Michael	Barry, J. Gail
Barry, Richard	Belanger, James	Belvin, William	Bergevin, Jerry
Boehm, Ralph	Brownrigg, Randall Jr	Burt, John	Christensen, D.L. Chris
Cusson-Cail, Kathleen	Daniels, Gary	Doherty, Shaun	Donovan, Daniel
Drisko, Richard	Erickson, Duane	Flanagan, Jack	Fredette, Robert
Gonzalez, Carlos	Graham, John	Haefner, Robert	Hansen, Peter
Hardwick, Harry	Hawkins, Kenneth	Hikel, John	Hogan, Edith
Holden, Frank	Hutchinson, Winfred	Jasper, Shawn	Krasucki, Joseph
Kurk, Neal	LeBrun, Donald	Maltz, Jonathan	McClarren, Donald
McGuinness, Sean	Messier, Irene	Murphy, Keith	Notter, Jeanine
Ober, Lynne	Ober, Russell III	Ohm, Bill	Palmer, Stephen
Parison, James	Pellegrino, Tony	Pepino, Leo	Peterson, Lenette
Pratt, Calvin	Reed, Michael	Renzullo, Andrew	Robbins, David
Seidel, Carl	Silva, Peter	Simmons, Tammy	Soucy, Connie
Souza, Kathleen	Stepanek, Stephen	Swank, Matthew	Terrio, Ross
Thomas, Joseph	Twombly, Timothy	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Moe	Whitehead, Randall	Willette, Robert	

MERRIMACK

Blankenbeker, Lynne	Coffey, Jennifer	Cohn, Seth	Giuda, J. Brandon
Hess, David	Hill, Gregory	Hoell, J.R.	Keane, Thomas
Kidder, David	Kotowski, Frank	Kreis, Kenneth Sr	Lauer-Rago, Kathleen
Lindsley, Mark	McDonnell, John	McGuire, Carol	McGuire, Dan
Palfrey, David	Sanborn, Laurie	Seaworth, G. Brian	Soltani, Tony
Winter, Steven			

ROCKINGHAM

Abrami, Patrick	Allen, Mary	Antosz, Jason	Azarian, Gary
Baldasaro, Alfred	Bates, David	Belanger, Ronald	Bettencourt, David
Birdsell, Regina	Brown, Paul	Charron, Gene	Comerford, Timothy
Davenport, Joshua	DeSimone, Debra	Devine, James	Duarte, Joe
Elliott, Robert	Fesh, Robert	Garcia, Marilinda	Griffin, Mary
Hagan, Joseph	Headd, James	Hoelzel, Kathleen	Itse, Daniel

Kappler, Lawrence
Mauro, Donna
O'Connor, John
Sanders, Elisabeth
Sheffert, Kenneth
Sytek, John
Ward, Joanne

Kolodziej, Walter
McKinney, Betsy
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Tasker, Kyle
Welch, David

Major, Norman
McMahon, Charles
Rice, Frederick
Schroadter, Adam
Smith, William
Tremblay, Stella
Weyler, Kenneth

Manuse, Andrew
Nevins, Chris
Ritter, Glenn
Sedensky, John
Sullivan, James
Tucker, Pamela

STRAFFORD

Cataldo, Sam
Newton, Clifford
Vita, Carol

DeLemus, Susan
O'Connor, William
Vita, Lucien

Groen, Warren
Parsons, Robbie

Jones, Laura
Pitre, Joseph

SULLIVAN

Bowers, Spec
Lovett, Charlene

Cunningham, Steven
Osgood, Joe

LaCasse, Paul Sr
Rodeschin, Beverly

Laware, Thomas

NAYS 104

BELKNAP

Bolster, Peter

Millham, Alida

CARROLL

Knox, J. David

CHESHIRE

Butynski, William
Hawkes, Samuel
Roberts, Kris

Byrnes, John
Johnsen, Gladys
Sad, Tara

Chase, Cynthia
Lindsey, Steven
Weber, Lucy

Emerson, Susan
Parkhurst, Henry
Weed, Charles

COOS

Coulombe, Gary
Tholl, John Jr

Hatch, William
Thomas, Yvonne

Remick, William
Tremblay, Marc

Theberge, Robert

GRAFTON

Almy, Susan
Harding, Laurie
Pierce, David

Benn, Bernard
Ladd, Rick Jr
Taylor, Kathleen

Cooney, Mary
Nordgren, Sharon
Townsend, Charles

Gould, Franklin
Pastor, Beatriz
White, Andrew

HILLSBOROUGH

Buxton, Michael
Gidge, Kenneth
Levasseur, Nickolas
Porter, Marjorie
Shaw, Barbara

Coffey, James
Goley, Jeffrey
Long, Patrick
Proulx, Mark
Stroud, Kathleen

Cote, David
Gorman, Mary
McCarthy, Michael
Ramsey, Peter
Sullivan, Daniel

Daler, Jennifer
Leishman, Peter
Pilotte, Maurice
Rosenwald, Cindy
Sullivan, Peter

MERRIMACK

Bouchard, Candace
Gile, Mary
Owen, Derek

Deloge, Helen
Hamm, Christine
Patten, Dick

DeStefano, Stephen
Lockwood, Priscilla
Potter, Frances

Foose, Robert
MacKay, James
Rice, Chip

Richardson, Gary

Shurtleff, Stephen

Williams, Robert

ROCKINGHAM

Cali-Pitts, Jacqueline
Katsakiores, Phyllis
Perkins, Lawrence
Webb, James

Copeland, Timothy
Lovejoy, Patricia
Read, Robin Jr

DiPentima, Rich
Moody, Marcia
Schlachman, Donna

Janvrin, Kevin
Norelli, Terie
Serlin, Christopher

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra

Brown, Julie
Hooper, Dorothea
Larsen Schultz,
Kirsten

Browne, Brendon
Horrigan, Timothy
Munck, Philip

Ginsburg, Philip
Kaen, Naida
Perry, Robert

Roberts, Jenna
Sprague, Dale

Schmidt, Peter
Wall, Janet

Spainhower, Dale
Watters, David

Spang, Judith

SULLIVAN

Cloutier, John

Gagnon, Raymond

Smith, Steven

and the majority committee report was adopted and ordered to third reading.

HB 1607-FN-L, establishing an education credit against the business profits tax.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Bill Ohm for the Majority of Ways and Means: This bill, with the amendment recommended by the committee, first and foremost promotes school choices for those that might not otherwise be able to afford it. The school choice scholarships, managed by non-profit scholarship organizations, are funded by donations from businesses who receive tax credits when they donate. This bill adds New Hampshire to a program that is successful in eight other states, and was created here by melding the best practices of all the other programs. The program works as follows: if parents of limited means wish to send their kids to a non-public school, or a different public school that agrees to accept them, they may apply for a scholarship from an approved non-profit scholarship organization. The average scholarship would be \$2,500. Home schoolers would also qualify, but their scholarship amount would only cover materials and be limited to \$750. Businesses who choose to donate to such scholarship organizations would receive a tax credit of 85% of their donation. This tax credit would apply to their BET or BPT. There is no net cost to the state for this program for at least the next two years. New Hampshire currently pays \$4,100 per student to local school districts for adequate education funding, and saves that amount for students who leave the public school system. The amount saved offsets the amount lost in the reduced BET/BPT given as tax credits to the businesses who donate. One concern is the effect on local school districts. To mitigate this concern, the amount of scholarships is limited to \$4 million in the first year, increasing to \$6 million and finally \$8 million in subsequent years. For reference, a \$4 million cap represents $\frac{1}{4}$ of 1% of the total dollars spent each year on public education. Given the \$4 million cap, the restriction on the average scholarship size and the percentage of scholarships that must go to public school students, the public school attendance drop will be less than 2,500. The committee felt that this amount is within the normal annual variance of student population. Beginning with the third year, if demand for scholarships exceed 80%, the program will increase by 25% the following year. Vote 16-5.

Rep. Christine C. Hamm for the Minority of Ways and Means: This bill would implement a tax credit for businesses offering scholarships to students attending private schools. The minority objects for several reasons, but primarily because this program extracts money from New Hampshire's public schools in favor of funding private, religious and home schools, thus costing the state and school districts important and sparse revenues now used towards public

education. The cost of the plan is not, as supporters claim, revenue neutral. Department of Education calculations show that the cost to the state budget would increase yearly in the three years the legislature reviews for fiscal impact, and would continue to increase each year thereafter. While estimates are that it would save the state budget \$47,000 in the first year, by Year Three it would cost the state \$2 million. It does this by taking full per pupil adequacy aid away from the local school districts the same month they lose a student who is granted a scholarship to a private school. Using conservative numbers, the immediate loss to a school district would be at least \$3,500 per pupil; the net loss to the school districts statewide is estimated at \$3.6 million the first year, \$5.2 million in Year Three. As the program expands, the negative impact on the state and local school budgets will increase an unknown amount, potentially more than \$100 million in the first decade. The minority has concerns that any such shortfall would have to be offset local property taxes. In 1967, 1969 and 1992, the state Supreme Court issued opinions that could be used as precedents in cases against this legislation. Part I, Article 6 of our state constitution states in part, "No person shall ever be compelled to pay towards the support of the schools of any sect or denomination," while Part II, Article 83 states in part, "Provided nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination." As the 1969 case dealt specifically with tax credits and as our state constitution is quite explicit on this issue, the success of a legal challenge arguing that businesses are being used only as an intermediary to deny a direct, unconstitutional, connection between the taxpayer and a religious school, is a real possibility--- the recent case of Arizona v Wynn notwithstanding since this decision affected only the federal level. In addition, this bill, as amended, contains a number of stipulations incumbent upon both donors and recipients that would be difficult, if not impossible, to monitor and enforce, thus leaving the law open to abuse. While proponents have expressed hope this legislation would encourage competition, and thus lead to improvements in public education, the minority believes that this bill's lack of academic accountability from recipients---both students and providers---means that the state could be neglecting its fiscal responsibility by foregoing money that otherwise would be directed towards public schools and allowing it to instead be paid to less-qualified providers. The combination of means testing and the cost of private schools means that only home-schoolers and families located near subsidized private schools are likely to benefit. Even withstanding the other concerns expressed, such benefits to a few seem disproportionate to the negative effects on the greater part of the state's student population.

Majority Amendment (1364h)

Amend the title of the bill to read as follows:

AN ACT establishing an education tax credit.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose.

I. The general court finds that:

(a) It has the inherent power to determine subjects of taxation for general or particular public purposes.

(b) Expanding educational opportunities and improving the quality of educational services within the state are valid public purposes that the general court may cherish using its sovereign power to determine subjects of taxation and exemptions from taxation.

(c) Ensuring that all parents may exercise and enjoy their basic right to educate their children as they see fit is a valid public purpose that the general court may promote using its sovereign power to determine subjects of taxation and exemptions from taxation.

(d) Expanding educational opportunities and thereby promoting healthy competition is critical to improving the quality of education in the state and ensuring that all children have the opportunity to receive a high quality education.

II. The purpose of this act is to:

(a) Allow maximum freedom to parents and nonpublic schools to respond to and, without governmental control, provide for the educational needs of children, and this act shall be liberally construed to achieve that purpose.

(b) Promote the general welfare by expanding educational opportunities for children.

(c) Enable children in this state to achieve a higher level of excellence in their education.

(d) Improve the quality of education in this state, both by expanding educational opportunities for children and by creating incentives for schools to achieve excellence.

2 New Paragraph; Business Profits Tax; Education Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XIV the following new paragraph:

XV. The education tax credit as computed in RSA 77-G.

3 New Section; Business Enterprise Tax; Education Tax Credit. Amend RSA 77-E by inserting after section 3-c the following new section:

77-E:3-d Education Tax Credit. The education tax credit as computed in RSA 77-G shall be allowed against the tax due under this chapter.

4 New Chapter; Education Tax Credit. Amend RSA by inserting after chapter 77-F the following new chapter:

CHAPTER 77-G EDUCATION TAX CREDIT

77-G:1 Education Tax Credit.

I. The following definitions shall apply in this chapter:

(a) "Business organization" shall be as defined in RSA 77-A:1, I.

(b) "Business enterprise" shall be as defined in RSA 77-E:1, III.

(c) "Donation receipt" means a document submitted by a scholarship organization that contains at a minimum:

(1) The business organization's or business enterprise's name, address, and federal taxpayer identification number.

(2) The scholarship organization's name and address.

(3) The donation amount and date received.

(d) "Educational expenses" means the tuition cost of an eligible student to attend a public or nonpublic school, excluding students who were placed into a nonpublic school by their school district, and in the case of a home educated student, the academic expenses not to exceed 25 percent of the average scholarship as defined in subparagraph II(b), incurred in a child's home schooling. Educational expenses shall not include fees or expenses related to participation in athletic programs, transportation expenses, or the cost of a parent's time expended in the home schooling of his or her child.

(e) "Education tax credit application" means a document developed by the department of revenue administration and submitted by a business organization or business enterprise that contains at a minimum:

(1) The business organization's or business enterprise's name, address, and federal taxpayer identification number.

(2) A contact person's name, title, and phone number.

(3) The requested donation amount.

(4) A signed statement certifying that the business organization or business enterprise agrees to make donations in accordance with the requirements established in this chapter.

(f) "Eligible student" means a New Hampshire resident who is at least 5 years of age and no more than 20 years of age, has not graduated from high school, and

(1)(A) Who is currently attending a New Hampshire public school, including a chartered public school, and for whom the state would be paying an adequate education

grant in the next school year if the student remained in the public school or chartered public school; or

(B) Who received a scholarship under subparagraph (A) or this subparagraph in the prior program year; or

(C) Who does not qualify under subparagraphs (A) or (B); and

(2) Whose annual household income is less than or equal to 300 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9909(2). The scholarship organization shall verify eligibility under this subparagraph.

(g) "Nonpublic school" shall be as defined in RSA 193-A:1.

(h) "Owner or operator" means an owner, president, officer, or director of an eligible nonprofit scholarship organization or a person with equivalent decision making authority over an eligible nonprofit scholarship organization.

(i) "Parent" means the natural or adoptive parent or legal guardian of a child.

(j) "Program year" means the year beginning January 1 and ending December

31.

(k) "Receipt" means a document developed by the department of revenue administration that is issued by the receiving school, or parent in the case of a home educated student, to the scholarship organization which makes payment for educational expenses on behalf of an eligible student and that contains, at a minimum and where applicable:

(1) The name and address of the school if a school is attended or, in the case of a home educated student, the name and address of a parent.

(2) The name and address of the eligible student for whom the expense has been paid.

(3) The name of the payer and the date and amount of the expense paid.

(4) Receipts for all specific, reimbursed educational expenses.

(l) "Receiving school" means a public or nonpublic school which the eligible student seeks to attend.

(m) "Release of information form" means a document developed by a receiving school, signed by the parent or guardian of an eligible student, and which acknowledges the consent of the parent or guardian to release of information contained in the receipt.

(n) "Scholarship organization" means a charitable organization incorporated or qualified to do business in this state that:

(1) Is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code;

(2) Complies with applicable state and federal antidiscrimination provisions;

(3) Is registered with the charitable trusts unit of the New Hampshire attorney general's office; and

(4) Has been approved by the department of revenue administration for the purpose of issuing scholarships as provided in this chapter.

(o) "Scholarship organization application" means a document developed by the department of revenue administration and submitted by a scholarship organization that contains at a minimum:

(1) The scholarship organization's name, address, and federal taxpayer identification number.

(2) A contact person's name, title, and phone number.

(3) A signed statement that the scholarship organization has met the eligibility requirements of subparagraph (n), and will comply with the provisions of this chapter.

(p) "Scholarship receipt" means a document developed by the department of revenue administration and submitted by a scholarship organization to the business organization or business enterprise and that contains at a minimum:

(1) The business organization's or business enterprise's name, address, and federal taxpayer identification number.

(2) The amount of the donations used or carried forward and the amount not used.

(q) "Scholarship organization report" means a document developed by the New Hampshire department of revenue administration and submitted by a scholarship organization to the department of revenue administration that shall be a public record and contains at a minimum:

(1) The number of scholarships granted under subparagraph I(f)(1)(A).

(2) The number of scholarships granted under subparagraph I(f)(1)(B).

(3) The number of scholarships granted under subparagraph I(f)(1)(C).

(4) The total dollar amount of all scholarships granted.

(5) The total dollar amount of donations spent on administrative expenses pursuant to subparagraph V(f).

(6) The total dollar amount to be carried forward pursuant to subparagraph V(g).

(7) The total dollar amount of donations used and not used for scholarships.

(8) The number of scholarships granted under subparagraph VII.

(9) The number of scholarships distributed by the organization, per school, and the dollar range of those scholarships. All home educated students shall be totaled together as a single school.

(10) An analysis, broken down by zip code, of the place of residence for each student receiving a scholarship under this program.

(11)(A) The aggregated results from a survey, designed by the department of revenue administration, and administered by the scholarship organization which shall solicit and receive information from at least 90 percent of the parents or legal guardians of participating students, broken down by the number of years in the program. In each case, the respondent shall be asked to gauge their level of agreement with the statement as follows: "strongly agree," "agree," "no change," "disagree," "strongly disagree." The following statements shall be included in the survey:

(i) I am satisfied with the school my child is attending as compared to the school my child attended prior to the availability of the education tax credit program.

(ii) My child has seen a measurable improvement in academic achievement.

(iii) My child would have been unable to attend the school of his or her choice without the education tax credit program.

(B) The survey shall include the following question to the parent or legal guardian of a participating student: "Excluding the education tax credit scholarship, how much did you pay out of pocket for your child to attend school this year?"

(12) A signed statement that the scholarship organization acknowledges compliance with the provisions of this chapter.

II.(a) An eligible student may receive a scholarship to attend (1) a nonpublic school, except when the student has been placed by the local school district through the special education process; or (2) a public school located outside of the school district in which the student resides and for which the public school is not eligible to receive an adequate education grant payment for the student in the current fiscal year, in an amount not to exceed the tuition cost of the public or nonpublic school. A home education student may also receive a scholarship to cover educational expenses. A student shall not receive a scholarship from more than one scholarship organization.

(b) The average value of all scholarships awarded by a scholarship organization, excluding eligible students who received scholarships for educational expenses related to home education only, shall not exceed \$2,500. Beginning in the second year of the program, the commissioner of the department of revenue administration shall annually adjust this

amount based on the average change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the “services less medical care services” special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The average change shall be calculated using the calendar year ending 12 months prior to the beginning of program year. In the first program year, a scholarship organization shall award a minimum of 70 percent of all scholarships issued to eligible students as defined in subparagraphs I(f)(1)(A) and (B) and shall notify the department of education of the unique pupil identifier for each pupil granted a scholarship by July 15. The required minimum percentage of all scholarships issued by a scholarship organization to eligible students as defined in subparagraphs I(f)(1)(A) and (B) shall be reduced by 10 percent each program year for years 2 through 7 of the program, and, at the beginning of the eighth program year and every program year thereafter, there shall be no required minimum percentage of scholarships.

(c) The minimum value of a scholarship granted to a student receiving special education programs or services pursuant to RSA 186-C shall be 75 percent of the maximum average scholarship size as defined in subparagraph (b).

(d) A student shall reapply each year for a scholarship.

III. For each contribution made to a scholarship organization, a business organization or business enterprise may claim a credit equal to 85 percent of the contribution against the business profits tax due pursuant to RSA 77-A, or against the business enterprise tax due pursuant to RSA 77-E, or apportioned against both provided the total credit granted against both shall not exceed the maximum education tax credit allowed. Credits provided under this chapter shall not be deemed taxes paid for the purposes of RSA 77-A:5, X. The department of revenue administration shall not grant the credit without a scholarship receipt. No business organization or business enterprise shall direct, assign, or restrict any contribution to a scholarship organization for the use of a particular student or nonpublic school. No business organization or business enterprise shall receive more than 10 percent of the aggregate amount of tax credits permitted in paragraph IV.

IV.(a) The aggregate of tax credits issued by the commissioner of the department of revenue administration to all taxpayers claiming the credit shall not exceed \$3,400,000 for the first program year, \$5,100,000 for the second program year, and \$6,800,000 for the third program year.

(b) Beginning with the third program year, if the amount of the total donations used for scholarships exceeds 80 percent of the current program year’s tax credits allowed, the aggregate of tax credits allowed for the next program year shall increase by 25 percent.

V. A scholarship organization shall:

(a) Provide scholarships from eligible contributions to eligible students to defray educational expenses.

(b) Not restrict or reserve scholarships for use at a single nonpublic school and not restrict or reserve a scholarship for a specific student or a specific person.

(c) Verify a student’s eligibility to apply for and receive a scholarship through transcripts and attendance records.

(d) Not have an owner or operator who also owns or operates a nonpublic school that participates in the education tax credit program.

(e) Not have an owner or operator who in the last 7 years has filed for personal bankruptcy or corporate bankruptcy in a business organization or business enterprise of which he or she owned more than 20 percent.

(f) Not use more than 10 percent of eligible contributions used during the program year in which the contributions are collected, and for which scholarship receipts were issued for tax credit purposes, for administrative expenses. Administrative expenses shall be reasonable and necessary for the organization’s management and distribution of eligible contributions pursuant to this chapter.

(g) In the first program year, there shall be no carry forward of unused eligible contributions. In each program year thereafter, not more than 10 percent of eligible contributions may be carried forward to the following program year. Any amount carried forward shall be expended for annual or partial year scholarships in the program year into which the amount is carried forward.

(h) Maintain separate accounts for scholarship funds, non-tax credit donations, and operating funds.

(i)(1) Not award a scholarship to any lineal descendent or equivalent step-person of any officer, director, or employee of any scholarship organization; and

(2) Not award a scholarship to any lineal descendant or equivalent step-person of any proprietor, partner, or member of any business organization or business enterprise making a contribution to a scholarship organization and claiming a credit against the business profits tax or business enterprise tax, nor any lineal descendant or equivalent step-person of any officer, director, or owner of more than a 5 percent interest in any business organization or business enterprise making a contribution to a scholarship organization and claiming a credit against the business profits tax or business enterprise tax, nor any employee who is among the highest 20 percent of paid employees in any business organization or business enterprise making a contribution to a scholarship organization and claiming a credit against the business profits tax or business enterprise tax.

VI.(a) An organization seeking approval as a scholarship organization under this chapter shall submit an application to the department of revenue administration each program year no later than June 15. The department of revenue administration shall approve or deny the application within 30 days of receipt. The department shall deny any application that fails to meet the statutory requirements and shall notify the scholarship organization of the reasons for denial.

(b) A business organization or business enterprise shall submit an education tax credit application to the department of revenue administration no earlier than January 1 and no later than June 15. The department shall approve these applications within 30 days on a first come-first serve basis, up to the aggregate credit amount allowed under paragraph IV. If multiple education tax credit applications are received on the same day, they shall be processed at random. No business organization or business enterprise shall be granted an education tax credit for more than 10 percent of the aggregate credit amount permitted in paragraph IV. The department of revenue administration may approve only a portion of a request if required to prevent exceeding the aggregate credit amount allowed under paragraph IV. The approval shall include the amount allowed and the date of approval.

(c) Once an education tax credit application is approved, the business organization or business enterprise shall donate within 60 days of the date of approval or the request shall expire. Donations may be made to multiple scholarship organizations provided the total amount donated by the business organization or business enterprise does not exceed the amount allowed under paragraph IV. Donations shall be made no later than July 15 of the program year.

(d) Upon receiving a donation, the scholarship organization shall send a "donation receipt" to the department of revenue administration and to the business organization or business enterprise within 15 days. The department of revenue administration shall notify the scholarship organization and the business organization or business enterprise within 15 days if the donations made by a business organization or business enterprise exceed the amount allowed. If a business organization or business enterprise fails to donate the total amount allowed within the time permitted, the department of revenue administration may grant credit requests in the order specified in subparagraph (b).

(e) On or before July 15, a scholarship organization shall furnish a list of the unique pupil identification numbers of the scholarship recipients issued to eligible students

as defined in subparagraphs I(f)(1)(A) and (B) and the subparagraph under which they were eligible, to the department of education pursuant to paragraph XI. The department of education shall notify the scholarship organization within 30 days of any students who are ineligible under subparagraph I(f)(1)(A). The scholarship organization shall notify the department of education within 30 days if any student eligible under subparagraphs I(f)(1)(A) or (B) is not awarded a scholarship or returns to public school. The department of education shall return such student to the calculation of the average daily membership in residence, as defined in RSA 189:1-d, IV, for the student's school district of residence, and add the amount calculated under RSA 198:40-a, I-III to the adequate education grant amount to the student's school district of residence, and include such amount in the next adequate education grant payment made under RSA 198:42.

(f) On or before December 1, the scholarship organization shall send a scholarship receipt to the business organization or business enterprise and to the department of revenue administration. The scholarship receipt shall include the amount of the donation that was used under this chapter which is eligible for the tax credit, and the amount that was not used. The scholarship organization shall return any unused funds to the business organization or business enterprise.

(g) On or prior to December 1, the scholarship organization shall submit a scholarship organization report to the department of revenue administration. The scholarship organization shall also include a scholarship organization application if it intends to issue scholarships under this chapter in the next program year. The department of revenue administration shall review the scholarship organization report and the scholarship receipts to ensure that the administrative expenses requirement set forth in subparagraph V(f) is not exceeded, that the number of scholarships issued under subparagraphs I(f)(1)(A) and (B) meets the requirements of this section, and the average scholarship size does not exceed the amount allowed. If any of these requirements are not met, the department of revenue administration may deny a scholarship application for subsequent program years and shall notify the scholarship organization of the reasons for denial.

(h) A business organization or business enterprise may file for the tax credit after receiving the scholarship receipt, and may file a tax credit request for the subsequent program year up to the amount donated in the current program year.

VII. A scholarship organization may grant a financial hardship exception to the federal poverty guideline requirement for eligibility under subparagraph I(f)(2), provided that the exceptions granted shall not exceed 20 percent of the scholarships granted by the scholarship organization in the program year.

VIII. The provisions of this section regarding nonpublic schools and their relation to scholarship organizations shall apply only to nonpublic schools that choose to accept scholarship students.

IX. The department of revenue administration shall:

(a) Develop, and annually verify and update, by February 1, a list of eligible nonprofit scholarship funding organizations that meet the requirements of this section. The department shall post this list on the department's Internet website and update the list monthly until July 15. The department shall forward the list and any updates to the commissioner of the department of education who shall post the list on the department of education's Internet website.

(b) Conduct or require audits in response to any reasonable complaints made. The cost of an independent audit shall be paid by the scholarship organization, but this cost shall be excluded from the administrative expenses requirement set forth in subparagraph V(f).

(c) Establish a process by which individuals may notify the department of revenue administration of any violation by a parent, business organization, business enterprise, scholarship organization, or nonpublic school of state laws relating to program

participation. The department of revenue administration shall conduct an inquiry of any written complaint of a violation of this chapter, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains facts demonstrating a violation of this section or any rule adopted pursuant to this chapter. In order to determine legal sufficiency, the department of revenue administration may require supporting information or documentation from the complainant.

(d) Create, maintain, and post online the relevant forms and reports, and submit scholarship organization reports to the members of the house and senate education committees and to the department of education.

(e) Post to the department's website an up-to-date total of the amount of credits available.

(f) No later than January 1, 2013, adopt rules pursuant to RSA 541-A, relative to:

(1) The application procedure for a scholarship organization applying to accept scholarship donations under this chapter.

(2) The application procedure for a business organization or business enterprise applying for a tax credit under this chapter.

(3) Complaint procedures, including the filing of a complaint and investigations of complaints.

(4) The design and content of the forms and applications required to be filed with, or issued by, the department of revenue administration under this chapter.

X.(a) A receiving nonpublic school or home education program that accepts students benefiting from scholarships, grants, or tax credits shall not be an agent of the state or federal government.

(b) Except as provided in this chapter, no state department, agency, or board shall regulate the educational program of a receiving nonpublic school or home education program that accepts students pursuant to this chapter.

(c) Donations made by a business organization or business enterprise to a scholarship organization that are not for the purpose of obtaining a tax credit under this chapter shall not be subject to the requirements in this chapter.

XI. Using the unique pupil identification system established in RSA 193-E:5, the department of education shall determine the number of pupils receiving a scholarship under subparagraphs I(f)(1)(A) and (B) who were counted in the calculation of the average daily membership in attendance for schools, other than chartered public schools, as defined in RSA 198:38, I, for the pupil's school district of residence and for each such pupil, shall deduct the amount calculated under RSA 198:40-a, I-III from the adequate education grant amount disbursed to the pupil's school district of residence. This shall be completed prior to September 1 of the program year in which the scholarships are granted.

XII. The department of education shall verify a student's eligibility under subparagraph I(f)(1)(A) upon request of a scholarship organization. The department of education shall assist the department of revenue administration, upon request, in the investigation of student eligibility complaints.

5 Study Committee; Duties Amended. Amend 2011, 218:3 to read as follows:

218:3 Duties. The committee shall:

I. Study the implementation of an education tax credit plan in New Hampshire which could include, but not be limited to, authorizing a credit against the business profits tax for cash contributions from business organizations to support the education of students at nonpublic schools, authorizing the establishment of tax-exempt scholarship granting organizations which would award grants to offset the cost of attending nonpublic schools, and administration and enforcement by the department of revenue administration.

II. Study the features of education tax credit and education voucher programs which have been implemented or are under consideration in other states and recommend any feature of those plans that would merit inclusion in the plan proposed in New Hampshire.

III. Act as a resource to the house and senate education committees on education tax credit or education voucher legislation, including making recommendations as to appropriate terminology and methodology for such legislation to the committees.

IV. ***Study how to measure and assess the following:***

(a) The level of participating students' satisfaction with the program;

(b) The level of parental satisfaction with the program;

(c) The fiscal impact of the program to the state and school districts;

(d) The resulting competition from private schools on school districts and public school students;

(e) The impact of the program on public and private school capacity, availability, and quality; and

(f) The academic performance and graduation rates of participating students as compared to students who applied for a scholarship under this program but did not receive one.

V. Solicit input from any individual or organization with relevant information or expertise.

~~[V.]~~ VI. Study any other matter the committee deems relevant to its objective.

6 Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

7 Applicability. The first program year of the education tax credit pursuant to RSA 77-G as inserted by section 4 of this act shall begin on January 1, 2013.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes an education tax credit against the business profits tax and/or the business enterprise tax for business organizations and business enterprises that contribute to scholarship organizations which award scholarships to be used by students to defray the educational expenses of attending a nonpublic school.

Majority committee amendment adopted.

The question now being adoption of the majority committee report of Ought to Pass with Amendment.

Reps. Kurk, Kidder and Hamm spoke against.

Reps. Ohm, Hill and Tucker spoke in favor.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 173 NAYS 127

YEAS 173

BELKNAP

Accornero, Harry
Greemore, Robert
Russell, David

Bolster, Peter
Kingsbury, Robert
St. Cyr, Jeffrey

Comtois, Guy
Malone, Robert
Tilton, Franklin

Fields, Dennis
Pilliod, James
Worsman, Colette

CARROLL

Ahlgren, Christopher
McCarthy, Frank
Pettengill, Laurie

Babson, David Jr
McConkey, Mark
Scala, Dino

Chandler, Gene
Morrow, Harry
Tregenza, Norman

Fleck, Joseph
Patten, Betsey
Umberger, Karen

CHESHIRE

Cartwright, Anne
Roberts, Kris

Emerson, Susan
Smith, Edwin

Hunt, John
Sterling, Franklin Jr

Johnson, Jane

COOS

Rappaport, Laurence

Tremblay, Marc

GRAFTON

Bradley, Lester
Mirski, Paul

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul
Sova, Charles

Ladd, Rick Jr

HILLSBOROUGH

Avard, Kevin
Bergevin, Jerry
Christensen, D.L.
Chris

Balboni, Michael
Boehm, Ralph
Christiansen, Lars

Ball, J. Michael
Brownrigg, Randall Jr
Doherty, Shaun

Barry, Richard
Burt, John
Donovan, Daniel

Drisko, Richard
Haefner, Robert
Hogan, Edith
Krasucki, Joseph
McGuinness, Sean
Ober, Russell III
Parison, James
Pratt, Calvin
Silva, Peter
Stepanek, Stephen
Twombly, Timothy

Flanagan, Jack
Hardwick, Harry
Holden, Frank
Maltz, Jonathan
Murphy, Keith
Ohm, Bill
Pellegrino, Tony
Renzullo, Andrew
Simmons, Tammy
Stroud, Kathleen
Ulery, Jordan

Fredette, Robert
Hawkins, Kenneth
Hutchinson, Winfred
McCarthy, Michael
Notter, Jeanine
Palmer, Barry
Pepino, Leo
Robbins, David
Soucy, Connie
Swank, Matthew
Villeneuve, Moe

Gonzalez, Carlos
Hikel, John
Jasper, Shawn
McClarren, Donald
Ober, Lynne
Palmer, Stephen
Peterson, Lenette
Seidel, Carl
Souza, Kathleen
Thomas, Joseph

MERRIMACK

Blankenbeker, Lynne
Hess, David
Kotowski, Frank
McDonnell, John
Seaworth, G. Brian

Coffey, Jennifer
Hill, Gregory
Kreis, Kenneth Sr
McGuire, Carol
Smith, Todd

Cohn, Seth
Hoell, J.R.
Lauer-Rago, Kathleen
McGuire, Dan
Soltani, Tony

Giuda, J. Brandon
Keane, Thomas
Lindsley, Mark
Sanborn, Laurie
Winter, Steven

ROCKINGHAM

Antosz, Jason
Bettencourt, David
Comerford, Timothy
Garcia, Marilinda
Itse, Daniel
Manuse, Andrew
Nevins, Chris
Ritter, Glenn
Sedensky, John
Tasker, Kyle
Weyler, Kenneth

Baldasaro, Alfred
Birdsell, Regina
Davenport, Joshua
Griffin, Mary
Kappler, Lawrence
Mauro, Donna
O'Connor, John
Sanders, Elisabeth
Sheffert, Kenneth
Tremblay, Stella

Bates, David
Brown, Paul
DeSimone, Debra
Hagan, Joseph
Kolodziej, Walter
McKinney, Betsy
Reagan, John
Sapareto, Frank
Shuler, Wyman III
Tucker, Pamela

Belanger, Ronald
Charron, Gene
Duarte, Joe
Hoelzel, Kathleen
Major, Norman
McMahon, Charles
Rice, Frederick
Schroadter, Adam
Smith, William
Welch, David

STRAFFORD

Cataldo, Sam
Larsen Schultz,

DeLemus, Susan
Newton, Clifford

Groen, Warren
O'Connor, William

Jones, Laura
Parsons, Robbie

Kirsten
Pitre, Joseph

Vita, Carol

Vita, Lucien

SULLIVAN

Bowers, Spec
Osgood, Joe

Cunningham, Steven
Smith, Steven

LaCasse, Paul Sr

Laware, Thomas

NAYS 127

BELKNAP

Luther, Robert

Millham, Alida

Swinford, Elaine

CARROLL

Knox, J. David

Schmidt, Stephen

CHESHIRE

Butynski, William
Johnsen, Gladys
Parkhurst, Henry

Byrnes, John
Lindsey, Steven
Sad, Tara

Chase, Cynthia
Moore, Charles
Weber, Lucy

Hawkes, Samuel
Moore, Robert Jr
Weed, Charles

COOS

Coulombe, Gary
Thomas, Yvonne

Hatch, William

Remick, William

Theberge, Robert

GRAFTON

Almy, Susan
Gould, Franklin
Pierce, David

Benn, Bernard
Harding, Laurie
Simard, Paul

Bulis, Lyle
Nordgren, Sharon
Taylor, Kathleen

Cooney, Mary
Pastor, Beatriz
Townsend, Charles

HILLSBOROUGH

Barry, J. Gail
Coffey, James

Belanger, James
Cote, David

Belvin, William
Cusson-Cail,
Kathleen

Buxton, Michael
Daler, Jennifer

Daniels, Gary
Gorman, Mary
Leishman, Peter
Pilotte, Maurice
Reed, Michael
Sullivan, Peter
Willette, Robert

Erickson, Duane
Graham, John
Levasseur, Nickolas
Porter, Marjorie
Rosenwald, Cindy
Terrio, Ross

Gidge, Kenneth
Kurk, Neal
Long, Patrick
Proulx, Mark
Shaw, Barbara
Vaillancourt, Steve

Goley, Jeffrey
LeBrun, Donald
Messier, Irene
Ramsey, Peter
Sullivan, Daniel
Whitehead, Randall

MERRIMACK

Bouchard, Candace
Gile, Mary
MacKay, James
Potter, Frances
Williams, Robert

Deloge, Helen
Hamm, Christine
Owen, Derek
Rice, Chip

DeStefano, Stephen
Kidder, David
Palfrey, David
Richardson, Gary

Foose, Robert
Lockwood, Priscilla
Patten, Dick
Shurtleff, Stephen

ROCKINGHAM

Abrami, Patrick

Allen, Mary

Azarian, Gary

Cali-Pitts, Jacqueline

Copeland, Timothy
Headd, James
Moody, Marcia
Schlachman, Donna
Ward, Joanne

DiPentima, Rich
Janvrin, Kevin
Norelli, Terie
Serlin, Christopher
Webb, James

Elliott, Robert
Katsakiores, Phyllis
Perkins, Lawrence
Sullivan, James

Fesh, Robert
Lovejoy, Patricia
Read, Robin Jr
Sytek, John

STRAFFORD

Berube, Roger
Grassie, Anne
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Julie
Hooper, Dorothea
Munck, Philip
Spainhower, Dale
Watters, David

Browne, Brendon
Horrigan, Timothy
Perry, Robert
Spang, Judith

Ginsburg, Philip
Kaen, Naida
Roberts, Jenna
Sprague, Dale

SULLIVAN

Cloutier, John Gagnon, Raymond Rodeschin, Beverly
and the majority committee report was adopted and ordered to third reading.

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Frank V. Sapareto for the Majority of Ways and Means: This bill would protect New Hampshire citizens and businesses from taxes levied in other states from being collected in New Hampshire. New Hampshire will not collect taxes for other states when such taxes do not exist here. For example, since we have no sales tax, New Hampshire businesses will not collect this tax from consumers in our state. Since New Hampshire chooses not to implement certain taxes, it makes no sense to enforce laws from other states to collect these taxes. The amendment exempts reciprocal agreements of concern to the department of safety and has no fiscal impact to New Hampshire. This law is very pro New Hampshire. Vote 17-4.

Rep. Susan W. Almy for the Minority of Ways and Means: This bill has the laudable objective of stopping other states from using New Hampshire's departments to collect back taxes from our citizens, and is meant to focus on motor vehicle license suspensions. However, it is worded much more broadly than that. The first committee exempted several essential programs that would have been destroyed by the bill, which prohibits all inter-state collaboration of this type. But the department of administrative services says in the amended fiscal note that it cannot identify what other programs might have this issue. The minority does not feel that the bill should be passed without a thorough search for such other programs, as the results of finding them after enactment could be quite painful.

Majority committee report adopted and ordered to third reading.

BILLS REMOVED FROM THE CONSENT CALENDAR (MARCH 28, 2012)

HB 1249, relative to the child protection reporting law. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip E. Ginsburg for Criminal Justice and Public Safety: The committee felt that, while well intended, this bill is seriously flawed and potentially destructive. This bill would extend the obligation to report suspicions that a child has been abused from health-care professionals, teachers, clergy and other professionals to any employee, volunteer, or supervisor in an organization with suspicion of anyone else in the organization. A single unfounded suspicion or a grudge could lead to a pervasive and destructive atmosphere of suspicion in an organization. In addition, enforcement would be impractical, requiring self-incrimination by a suspect. Reporting requirements, on which the whole bill depends, are onerous (2 phone calls and a written report) and unreasonable. Vote 16-0.

Reps. Bergevin and Soltani spoke against.

Rep. Swinford spoke in favor and yielded to questions.

Rep. Sytek spoke in favor.

Rep. Soltani moved Recommit.

Speaker ruled the motion out of order.

Rep. LeBrun requested a roll call; not sufficiently seconded.

On a division vote, 258 members having voted in the affirmative and 27 in the negative, the committee report was adopted.

HB 1435, establishing a committee to oversee the department of environmental services.
OUGHT TO PASS WITH AMENDMENT.

Rep. Peter T. Hansen for Executive Departments and Administration: This bill, as amended, establishes a liaison committee to monitor the department of environmental services. The liaison committee will consist of 12 members, the chairperson, vice-chairperson and ranking minority member of the Senate energy and natural resources committee and 9 members of the House who shall be the chairperson, vice-chairperson and ranking minority member of resources, recreation, and development committee, the environmental and agriculture committee and the science and technology committee. The liaison committee will monitor the department to support an effective, efficient and coordinated system of environmental services and meet no less than once every 3 months, or more frequently at the call of the chair. The liaison committee will fulfill the obligations as specified in the bill and file a report as required within the time specified. The committee amendment retitles the committee from oversight to liaison, slightly modifies the committee responsibilities, adds a sunset date and corrects the effective date to January 1, 2013. Vote 12-2.

Amendment (1337h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a liaison committee to monitor the department of environmental services.

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Department of Environmental Services Liaison Committee. Amend RSA 21-O by inserting after section 22 the following new sections:

21-O:23 Liaison Committee; Establishment; Purpose.

I. There shall be an liaison committee on environmental services consisting of 12 members as follows:

(a) The chairperson, vice-chairperson, and ranking minority member of the senate energy and natural resources committee, appointed by the president of the senate; and

(b) Nine members of the house of representatives, who shall consist of the chairperson, vice-chairperson, and ranking minority member from the resources, recreation and development committee, the environment and agriculture committee, and the science, technology and energy committee, appointed by the speaker of the house of representatives.

II. Membership on the liaison committee shall be for the biennium and shall be coterminous with membership in the general court.

III. The liaison committee on environmental services shall monitor the department to support a cost effective, comprehensive, coordinated system of environmental services.

21-O:24 Organization and Compensation. The liaison committee shall have a chairperson who shall be chosen by committee vote from among the 4 house and senate committee chairpersons. The chairperson's term of office shall be for the biennium. The committee shall have a clerk who shall be chosen by vote by the members of the committee. The clerk's term of office shall be for the biennium. The members of the committee shall receive legislative mileage when in performance of their duties. The quorum of the committee shall be 6 members.

21-O:25 Duties of Liaison Committee. The committee shall:

I. Review quarterly reports of the number and kind of complaints, appeals of decisions and the final actions taken on such complaints and appeals as reported by the commissioner of the department of environmental services.

II. Review all state statutes relative to the department of environmental services in order to identify obsolete provisions and concepts and add clarifying language where necessary through recommendations for the following legislative session. Such review shall be completed every 6 years.

III. Invite the commissioner or his or her designee each meeting of the committee.

IV. Publish an agenda in advance of each committee meeting.

V. Review proposed legislation and rules affecting the department and any other topics deemed helpful to the overview of the department by the commissioner or members of the committee.

VI. Meet at the call of the chair but in no case less frequently than every 3 months.

VII. As much as possible, depend on existing data and reports and minimize its demand on the department in the execution of its duties.

VIII. Submit a report no later than the first day of November of the second year of the biennium as to its activities and recommendations to the speaker of the house of representatives and the president of the senate.

2 Repeal. RSA 21-O:23-25, relative to the liaison committee to monitor the department of environmental services, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 2, 2019.

II. The remainder of this act shall take effect January 1, 2013.

AMENDED ANALYSIS

This bill establishes a liaison committee to monitor the department of environmental services.

Amendment adopted.

The question now being adoption of the committee report of Ought to Pass with Amendment. Rep. Carol McGuire spoke in favor.

Committee report adopted and ordered to third reading.

RESOLUTION

Rep. Jasper offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 11, 2012 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1652-FN-A, requiring the transfer of insurance premium tax revenue to the department of health and human services and the revenue stabilization reserve account.

HB 1692-FN, making changes to the administration of the university system of New Hampshire.

HB 1260-FN, relative to certain contributions to pari-mutuel pools by race simulcasters in Cheshire county, compensation of charitable organizations by gaming operators, and unauthorized gambling machines and sweepstakes.

HB 1727-FN, to return certain insurance exchange moneys to the federal government.

HB 1680-FN, relative to the duties of the oversight committee on health and human

services.

HB 1660-FN, relative to abortions after 20 weeks.

HB 1725-FN, prohibiting health care practitioner self-referrals for medical devices.

HB 1623, relative to records of the legislative ethics committee.

HB 1438, relative to confidentiality of police personnel files.

HB 1460, establishing a defined contribution retirement plan for public employees.

HB 1607-FN-L, establishing an education tax credit.

HB 1701-FN, prohibiting New Hampshire from entering into or enforcing reciprocal agreements with other states to deny rights and privileges for nonpayment of taxes owed to another state.

HB 1435, establishing a liaison committee to monitor the department of environmental services.

UNANIMOUS CONSENT

Reps. Ginsburg, Norelli and Cloutier addressed the House.

MOMENT OF SILENCE

A moment of silence was observed in honor and memory of Representative James Powers.

MOTION TO PRINT REMARKS

Rep. Jasper moved that the remarks made by Rep. Norelli be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Norelli: Thank you, Mister Speaker. My Portsmouth colleagues are going to join me. I met Jim Powers eight years ago when he first decided to run for the New Hampshire Legislature. I have been proud to call him a friend and a colleague ever since. The first thing I thought about Jim was his diligence and his willingness to work really hard. He was beyond any doubt, and I know that all of my colleagues will share this sentiment, the king of door to door campaigning on our Portsmouth team. Jim was a Democrat through and through and he campaigned often with his wife, Eva, at his side for candidates up and down the ballot and sometimes he would be accompanied by a young friend of his, a young man named Michael. Michael never went door to door for anyone but Jim, and he was proud to go around and tell everybody, "This is my friend, Jim. I want you to vote for him." After Michael's mom saw Jim interacting with Michael, she said, "I knew I could trust Jim to vote on Michael's behalf and in the best interest of all persons with developmental disabilities." Once Jim was elected to the House, he brought that same conscientiousness and passion to his responsibilities here. Jim was the kind of person for whom the word "citizen" meant everything. At a time when political service elicited cynicism from some, Jim saw politics as an honorable pursuit. He approached public service with the determination and thoughtfulness that always put the public interest first. I did say Jim was a Democrat through and through and he was, but he made friends with and worked well with members of both parties. I'm certain that his colleagues on the Environment and Agriculture Committee will remember HB 1262, relative to balloons released into the air. Yes, the title alone sounds a bit ridiculous and indeed, in no time the committee was the butt of jokes. What a waste of time. Are we going to have the balloon police now? Even committee members thought it was silly until Jim went to work doing his homework. His wife, Eva, and Jim were ardent wildlife supporters and Eva had testified at the hearing. Rep. Sad told me, who was then the Committee Chair, that it was actually Jim who convinced the committee during their deliberations. What seemed a ridiculous issue, they found out was a

serious environmental problem. Large balloon releases, and at that time those were the newest thing in the “wow factor” at weddings and other events, were falling back to earth into bodies of water where marine life would swallow the deflated balloons and die from suffocation. Jim’s calm and convincing certainty of the rightness of this measure was enough to turn the tide, not just in his committee, but on the House floor and by the way, did I tell you that the bill was sponsored by a Republican? These two stories, I think, speak volumes about Jim, diligent, strong, kind, a great public servant. I know that’s how I will remember him. Last November, after his first treatment, Jim asked me to come and pay him a visit and told me that his health would not allow him to return to the House. He was sad and I was sad. He offered to resign so that we could have a special election to fill his seat. We were after the deadline for that to happen and Jim was so proud of being a State Rep. that I told him that I didn’t think that was something he needed to do. He had given so much of himself to this responsibility. At that time I was unaware that he had written a letter or resignation and Eva has since shared this with me. In his own words, he speaks of his love of the Legislature and I’d like to end by reading his letter now.

Mr. Speaker,

It has been my honor to serve in the New Hampshire House of Representatives for five years. Each time I walk into this Hall, I have been awed by the sense of history, of decorum and of great deeds by past members which permeates these walls. Unfortunately, my health no longer allows me to perform my duties to my constituents, the City of Portsmouth and the Town of Newington or indeed to the State as a whole. It is therefore with great sorrow alleviated by pride in having had this experience that I tender my resignation from this august body. In the words of Ecclesiastes, “To everything there is a season and a time for every purpose. A time to be born and a time to die; a time to heal and a time to breakdown; a time to weep and a time to laugh; a time to mourn and a time to dance.” It is now my time to move on. Farewell, my dear friends and colleagues.

Representative Jim Powers, Rockingham 16.

Farewell our dear friend and colleague, Jim Powers.

RECESS MOTION

Rep. Jasper moved that the House stand in recess for the purposes of the introduction of bills, the reading-in of petitions, receiving Senate messages, enrolled bill amendments and enrolled bill reports.

Adopted.

The House recessed at 1:30 p.m.

RECESS

(Rep. Jasper in the Chair)

RESOLUTION

Rep. Edith Hogan offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 203, 205, 212, 215, 224, 225, 229, 258, 259, 270, 273, 276, 300, 301, 311, 314, 326, 343, 350, 359, 372, 383, 388, 401, 402, 406, 407 and 409 shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 203-FN-A, relative to limited liability companies. (Commerce and Consumer Affairs/Ways and Means)

SB 205, revising the New Hampshire business corporations act, RSA 293-A. (Commerce and Consumer Affairs/Ways and Means)

SB 212-FN, relative to pooled risk management programs. (Commerce and Consumer Affairs/Ways and Means)

SB 215, establishing a study committee on updating and improving the procedures and criteria for review of projects by the site evaluation committee. (Science, Technology and Energy)

SB 224, relative to lead fishing sinkers and jigs. (Fish and Game and Marine Resources)

SB 225-FN-L, relative to fees for vital records. (Municipal and County Government/Ways and Means)

SB 229-FN, establishing a commission to make recommendations on whether the New Hampshire retirement system should be replaced with a defined contribution plan for all new hires and to study the impact such change would have on the retirement system. (Special Committee on Public Employee Pensions Reform)

SB 258, authorizing group net metering for limited electrical energy producers. (Science, Technology and Energy)

SB 259, relative to the appointment of the director of ports and harbors and relative to transfer of land within the Pease development authority. (Executive Departments and Administration)

SB 270, relative to civil commitment of persons found incompetent to stand trial. (Criminal Justice and Public Safety)

SB 273, relative to vexatious litigants. (Judiciary)

SB 276-FN, establishing the vandalizing or defacing of state or municipal property as criminal mischief. (Criminal Justice and Public Safety)

SB 300, relative to special education services in chartered public schools. (Education)

SB 301, relative to the amendment of pleadings in landlord-tenant actions. (Judiciary)

SB 311-FN-A, establishing a director of the division of weights and measures and relative to the setting of weights and measures fees. (Environment and Agriculture/Ways and Means)

SB 314-FN, relative to state-owned vehicle fleet management. (Executive Departments and Administration/Ways and Means)

SB 326-FN-A-L, relative to state reimbursement of towns. (Ways and Means)

SB 343-FN, establishing an independent board of psychologists. (Executive Departments and Administration/Finance)

SB 350-FN, relative to the sale of portable electronics insurance. (Commerce and Consumer Affairs)

SB 359, relative to civil actions involving accessibility standards for public buildings. (Judiciary)

SB 372-FN-L, establishing an education tax credit. (Ways and Means)

SB 383-FN-L, revising the distribution of school building aid grants. (Finance)

SB 388, relative to the use of land along Silver Lake that is below the public trust boundary. (Resources, Recreation and Development)

SB 401, relative to reporting the average daily membership of pupils in the public schools and relative to adjustments to adequate education grants. (Finance)

SB 402, relative to the adoption of policies for the management of concussion and head injury in youth sports. (Education)

SB 406, establishing an early offer alternative in medical injury claims. (Judiciary)

SB 407-FN, relative to the purchasing policy of the department of information technology and relative to the transfer of federal grant funds. (Executive Departments and Administration/Ways and Means)

SB 409-FN, relative to the use of marijuana for medicinal purposes. (Health, Human

Services and Elderly Affairs/Finance)

SENATE MESSAGES

CONCURRENCE

HB 449-FN, relative to reports on information available on the state website.

HB 1134, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds.

HB 1302-FN, relative to underpayment of estimated taxes and equalization of valuations administered by the department of revenue administration.

HB 1349-L, relative to the service of town health officers.

HB 1420, relative to the disposition of the remains of service members.

HB 1717, apportioning county commissioner districts.

NONCONCURRENCE

HB 458 FN-A, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor.

HB 654-FN-L, relative to credit for retirement system employer contribution overpayments.

HB 656, relative to boundaries of wards.

HB 1229, declaring March 30 as Welcome Home Veterans Day to honor veterans of Vietnam.

HB 1710, establishing a commission to identify issues for legislation related to strengthening the role of fathers in families with divorced or unmarried parents.

LAI D ON THE TABLE

HB 1221, relative to the credit for the business enterprise tax against the business profits tax.

SENATE MESSAGE

The Senate has voted to override the Governor's veto on the following bill:

HB 592, apportioning state representative districts and relative to the boundaries of wards.

COMMITTEE ASSIGNMENT

The Speaker made the following change to committee assignments:

Rep. Vaillancourt off the Committee on Finance and on the Committee on Constitutional Review and Statutory Recodification.

RECESS